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ADDITIONAL  
ANSWER TO THE LIBEL

WITH

SOME ACCOUNT OF THE EVIDENCE THAT  
PARTS OF THE PENTATEUCHAL LAW  
ARE LATER THAN THE TIME OF  
MOSES

BY

W. ROBERTSON SMITH

EDINBURGH

DAVID DOUGLAS, 9 CASTLE STREET

1878

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THE preparation of this paper was undertaken when the Presbytery found it competent to deal with a charge of "tendency," and the greater part of it was in print when the Synod of Aberdeen reversed the finding of the subordinate Court, and made it unnecessary for me to lay fresh arguments before the Presbytery, which has now dismissed the whole Libel. But the case comes before the Assembly by dissent and complaint, and I find that many members of Presbytery and others are unwilling that my Additional Answer should be withheld from the Church. Therefore, with the consent of the Presbytery, I now publish what I meant to lay before the Court on the 16th of April, had the Synod not sustained my appeal on "tendency." I deal only with *Primo* and *Secundo*. The other charges may be discussed later if the course of the case makes it necessary.

W. R. S.



## ADDITIONAL ANSWER TO THE LIBEL.

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IN my previous Answer to the Form of Libel now before the Free Church Presbytery of Aberdeen, I replied in detail to the charge of publishing doctrines contradictory or opposed to the doctrines set forth in Scripture and the Confession, but rested my defence against the alternative charges on the constitutional plea that these are in their own nature incompetent.

The Presbytery has sustained my defence against the first and gravest charge, but, by the vote of 14th March, my objections to the competency of the second alternative were overborne, and it has been found, by a majority of voices, that in the opinion of the Presbytery an office-bearer, who has been acquitted of the charge of publishing opinions which contradict or are opposed to doctrines set forth in the Scriptures and the Confession of Faith, may be tried on the alternative charge of publishing "opinions which are in themselves of a dangerous and unsettling tendency in their bearing on the doctrines," which they cannot be shown to contradict.

Appeals have been taken against this finding, but meantime the Presbytery proceeds to apply its abstract decision, and it falls to be considered whether the charge which has been found relevant in the abstract can, under the Libel, be brought home to me.

The procedure of the Presbytery, in considering this question, will still be regulated by the resolution adopted on the 14th of February, to discuss the details of the Libel *seriatim*. The particular opinions which it is proposed to



condemn as of dangerous tendency, are the same opinions, classified under eight heads in the major of the Libel, and supported in the minor by eight groups of extracts from my writings, which were formerly impugned as contradictory to the Confession. The procedure, therefore, must follow the same course as in the previous part of the case. The eight heads will fall to be examined *seriatim*; and the Libel can be found relevant only if it appears (1) that the opinions tabulated in the major correctly express the sense of the corresponding extracts in the minor, and (2) that these opinions are in themselves of a dangerous and unsettling tendency in their bearing on the doctrines of inspiration, etc., as set forth in the standards of our Church.

In my former Answer, I have pointed out that the first of these necessary conditions of relevancy is not properly fulfilled. The statements from *Primo* to *Octavo* in the major do not represent with accuracy the meaning of the corresponding extracts from my writings. In some cases they represent a position directly opposite to that which I hold, and in other cases the Libel gives a coloured and distorted view of my teaching, or puts it in a false light by combining what I have said with things which I repudiate, and which represent not my opinions but those of the framers of the Libel. Such defects altogether vitiate the part of the Libel in which they occur. A member of the Court may think that what is stated in the extracts from my articles is really dangerous and unsettling, but unless he is also satisfied that my statements under each head of the minor amount to what is set forth under the corresponding head of the major, he is bound to find against the relevancy of the Libel as it now stands. The faults of the Libel may be corrected, or the whole may be rejected and a new Libel drawn, but under the present Form of Libel the only dangerous and unsettling opinions with which the Presbytery can deal are those enumerated from *Primo* to *Octavo* of the major. It is not enough that my views, as expressed in the minor, may *resemble* the opinions tabulated under the eight heads of the major; the views in the



extracts from my writings must be the very identical views condemned in the major, otherwise the Libel does not possess that complete logical consistency of structure which constitutes relevancy.

Unless the decision of relevancy is referred to this strict standard, neither formal nor substantial justice can be done. I must not be condemned for the dangerous character of my teaching until I know the precise construction which is put on what I have written, and have an opportunity of showing wherein that construction is incorrect. But if members of Court are allowed to vote any part of the Libel relevant because they judge my expressions to bear a dangerous sense, though not the precise sense formulated in the major, I may be condemned for what is not in the Libel at all, and what I have never had an opportunity of answering or even of hearing distinctly expressed. And what is more important, the members of the Church, for whose edification Church censures are designed, can derive no instruction and doctrinal guidance from a decision in which the Court has condemned expressions without clearly formulating the sense in which they are condemned. But assuming the major to be so adjusted by changes on its present form as accurately to represent my published opinions, it will next fall to be considered by what marks an opinion can be proved to be *in itself of a dangerous and unsettling tendency in its bearing on a doctrine or doctrines with which it cannot be shown to be logically inconsistent*. It will be the part of the prosecution to show under each particular that such marks exist, that they are sufficiently definite and tangible to form a ground of argument and offer to the accused an opportunity of defence, and that they possess an objective value sufficient to free the Court which accepts them from the suspicion of exposing the administration of justice to the influences of personal feeling and personal dislike to distasteful opinions.

I am unable to anticipate the nature of the arguments by which it can be shown that two propositions which are not contradictory tend to subvert one another, not merely in cer-



tain minds—under the influence of acquired habits, or from want of adequate intellectual training, or from forgetfulness of the limitations of our powers of thought, which are not always sufficient to comprehend how two true propositions are to be harmonised—but *in themselves*. But it seems safe to assume that an inherent tendency to attack and destroy a true doctrine cannot be predicated of any opinion which is not itself false.

At this point an important question emerges. Does the prosecution propose to demonstrate that my opinions are erroneous, and then to argue that being erroneous they are also dangerous, or is it proposed to prove directly that they are in themselves dangerous and unsettling in tendency, and to argue that being of such a tendency in their bearing on admitted truths, they are necessarily false?

The former course alone seems consistent with justice and reason. The Presbytery has already found that my opinions, so far as they are set forth in the Libel, are not inconsistent with the truths taught in our Standards, and in the discussion of the second alternative no argument can be admitted which is at variance with this finding. Now, if two propositions are not contradictory, it is not impossible that both are true. The admitted truth of the one proposition may give ground for holding the other to be improbable, and for weighing with great caution any evidence that is adduced to support it. But what is improbable may be perfectly true. A thing is improbable only so long as the balance of evidence is against it, and the production of new evidence may at any moment change what has hitherto appeared improbable into probable or even demonstrated truth.

The Standards therefore cannot be employed to disprove my opinions, but only at most to show that they are very improbable. So far as the Standards are the basis of argument, it must be conceded that the truth of my views is perfectly conceivable, and that the evidence which is finally to determine whether they are true or false must be sought in another direction. And unless the prosecution is prepared to accept



this state of the question, and to adduce evidence sufficient to refute my critical views on their merits, the whole charge breaks down. For that which is true is necessarily innocent, and no opinion can be judged censurable until it has been shown to be false.

This clear issue must not be obscured by any attempt to argue that the dangerous tendency of my opinions constitutes so strong a presumption against their truth, that the Court is entitled to treat them as false, or at least to throw upon me the burden of proving them true. This argument moves in a circle, for it is not certain that an opinion is dangerous until it is certain that it is false. It is never just to condemn a man on a presumption, or to throw the burden of proof on the accused. And probable evidence, which has a legitimate use in the proof of facts dependent on human testimony, is wholly inadmissible in deciding the abstract question whether a fact as to which there is no dispute, viz., that I have published certain opinions, constitutes an offence under the constitution of our Church. In the eye of justice I am not guilty of the offence libelled, unless it is demonstrably certain that my opinions are false, and also demonstrably certain that being false they have the tendency ascribed to them.

It follows from these considerations, that it will be the part of the Presbytery to enquire whether those who maintain the relevancy are able to refute on their merits the opinions which it is proposed to condemn. The Presbytery cannot in this connection listen to arguments drawn from the bearing of these opinions on the Confession; for the Court has already decided that there is nothing in the Confession inconsistent with the truth of my views. The refutation must meet the evidence on which critics themselves base their conclusions, and it must be proved either that the premises of the critical argument are false, or that the reasoning based on these premises is unsound. Nor will it be enough to show that the arguments which can be brought in favour of the critical opinions impugned are not conclusive at every point. The most legitimate historical criticism must always contain some



hypothetical elements, and offer some opinions not as certain and absolute truth, but as probably expressing the nearest approximation to truth which the present state of enquiry permits. It cannot be proposed to stifle historical enquiry altogether, because it has not yet reached its ultimate goal. Unless the Church is prepared to say that she will tolerate no scientific study of the Bible at all, she must be prepared to tolerate imperfect views; for it is only through imperfect views, and by means of successive essays, that scientific truth can be reached on any subject. In matters which are not of divine faith but belong to the sphere of scientific discussion—and to this sphere the previous decisions of the Presbytery have assigned the question of the truth of my views—it would be the height of obscurantism to declare an opinion illegitimate, and suppress it by an act of judicial censure, merely because it is not a final and perfect expression of the truth. An opinion is not illegitimate unless it proceeds on the rejection of undeniable truths, or the repudiation of legitimate scientific method. These faults must be brought home to my opinions, and it must be shown that in virtue of these faults the opinions are dangerous; otherwise there can be no relevancy in the present charge.

The task which is thus laid upon the Presbytery is extremely grave and difficult. In all previous prosecutions for opinion the business of the Court has been to compare each proposition libelled as unsound with some clear definition of doctrine, and to decide a plain question of logical consistency. But in this case my views are to be tested by comparison, not with some one truth, but with truth in general. The relevancy of the Libel depends on the solution of a series of complicated historical and literary problems, and the materials for this solution, the evidence and arguments which it is essential for the Court to weigh, are not contained in the Libel, or even in the writings libelled, but are scattered through the whole compass of Old Testament literature, and embodied in researches which have occupied for more than half a century almost all the great masters of Hebrew Scholarship in Europe.



The Presbytery may well shrink from facing such a task, and it may probably be argued that the idea of introducing such questions into the discussion of relevancy of an indictment does violence to common sense. But if this argument has force—which I for my part am ready to admit—it only goes to show that the present charge is in its own nature incompetent, and in no way to diminish the responsibility of the Court to condemn no opinion as dangerous until it has been demonstrated to be false. The very singularity of the charge, its remoteness from every analogy of ordinary justice, the vagueness of its terms, and the risk therein involved of substituting an expression of individual feelings for the sentence of universal justice—all these considerations lay on the Court an obligation to proceed with double caution, to exact the most rigorous proof of relevancy on every point, and to master the whole scientific evidence for each opinion before venturing to assert that it is untrue, and in its untruth dangerous to faith.

But while the burden of proof does not lie with me, I think that it is possible for me at this stage to help the Presbytery in the task that lies before it, by adducing some arguments to show that my opinions proceed on a legitimate endeavour to deal with difficulties of which traditional views as to the literary history of the Bible give no adequate account. I believe it will be found that almost in every case the offence which has been given by my writings, and the dangerous tendency which is thought to appear in them, are not due to anything speculative or hypothetical in the particulars of my positive critical construction, but to the fact that I reject old views as inadequate. For example, the real source of offence under *Primo* and *Secundo* lies in the fact that I see insuperable difficulties in the way of supposing that all the Pentateuchal laws are of Mosaic date, and that Deuteronomy gives a literal transcript, written down by Moses himself, of the last speech of the lawgiver. If it be granted that such insuperable difficulties exist, no one is likely to affirm that my attempt to find a new view of the matter is specially



objectionable. The real question before the Presbytery is not whether everything which I have written in my articles is correct, but whether I have shown a culpable indifference to truth in departing from traditional opinions, and have given unnecessary disturbance to faith by conjuring up imaginary difficulties, or unduly exaggerating difficulties that are not sufficiently grave to justify an attempt to solve them by departing from old ideas. And so the charge against me must fall to the ground if I can show the Presbytery that the traditional views which I have surrendered are really encumbered with difficulties so grave that it cannot be safe for the Church to pin her faith on the accuracy of these views, or to forbid her members to aim, with such scientific helps as they can command, at the construction of some more consistent account of the Biblical facts. It is futile for the prosecution to point out difficulties to belief that arise under my views, if the ultimate source of these difficulties lies in the Biblical data themselves, and if equal or at any rate similar difficulties, flowing from the same source, attend the ordinary opinions on the subject. If the Court is satisfied that this is the actual state of the case, it will, as a matter of course, dismiss the charge without listening to any further arguments against my opinions, which on this hypothesis cannot be treated as real sources of danger to faith, even if they are not successful as an attempt to remove danger and solve puzzling difficulties.

I think that a full view of the critical evidence would convince most men, as it has convinced me, that there are greater dangers to faith in inflexible adherence to traditional views as a necessary part of orthodoxy, than in the frank admission that the Pentateuchal legislation is not in all its parts directly Mosaic. But I cannot undertake to lay before the Court a full discussion of so large a subject, and it is not necessary for my exculpation to ask the Presbytery to go so far. All that I shall attempt is to show that the divergence of critics from current views proceeds upon evidence of such a kind that no member of a Church court can justly undertake to say that to depart as I have done from .



the old opinions is necessarily to deflect into error which the Church cannot tolerate. I shall select from an argument of enormous compass only a few of the simplest lines of evidence, and these I shall attempt to set before the Court in a form sufficiently popular to be followed by those who have not the advantage of scholarly training and a knowledge of the original language. Such a statement must necessarily omit many powerful arguments, and convey a very imperfect idea of the strength of the critical position. It must not therefore be supposed that in laying this paper before the Presbytery I take upon myself the burden of proof, which properly lies on the prosecution, or that I consent to limit the discussion of the case to the points which I now raise. I do no more than open the discussion with arguments which may perhaps convince the Court that in the interests of truth and justice the case ought not to be pressed farther. But if the charge is still pressed it will be for the prosecution to adduce positive arguments against the views put forth in my articles, and I shall still claim the right to answer these arguments, and to be acquitted unless they appear to be scientifically conclusive.

### PRIMO AND SECUNDO.

#### THE PENTATEUCHAL LEGISLATION.

I have shown in my former Defence (p. 50*f*.) that the statement under *Primo* in the major is so much at variance with my actual views, and so unsupported by the minor, that the irrelevancy of this part of the charge is apparent without further argument. And, in like manner, the statement under *Secundo*, though less inaccurate, is not so fair and impartial as is proper in a Libel, and should not be admitted without the corrections which I have indicated (*Ibid.* p. 52*f*).

Leaving the Presbytery to give due weight to these considerations, I shall now speak to the views actually expressed in my writings on the subject of the Pentateuchal law.



According to the tradition which the Libel proposes to incorporate with the official creed of the Church, and to protect from criticism by the use of ecclesiastical censures, the whole Pentateuchal law was delivered to Israel before the death of Moses; and, with the possible exception of some temporary ordinances, designed for the special circumstances of the wilderness journey, all the statutes of the law were meant to be observed in the land of Canaan, from the first settlement of the people downwards. When several laws are given on the same subject they are to be regarded as mutually supplementary, and their provisions cannot be really contradictory, though at first sight they may appear to be so. Those critics, on the contrary, whom I follow, and who maintain the character of the Pentateuch as a record of revelation, admit, indeed, that the fundamental laws of the theocracy were given to Israel through Moses, but hold that these laws were modified and added to from time to time by prophets or other divinely guided leaders of the Old Testament dispensation; that the Pentateuch in its legislative as well as in its historical parts is made up of several documents originally distinct; that these documents were written at different times; that their object was not merely to give a history of the work of Moses, but also to expound, in connection with this history, the laws which the people were still bound to obey; and that the legislative part of each document consequently represents the theocratic law, not precisely as it stood in the time of Moses, but with the modifications which, in the progress of the dispensation, were necessary to meet the needs of the people of God, and which had either been actually put into practice, or were by prophetic authority ordained as proper to be put into practice. As the prophets and the priests who acted with them did not always, or indeed often, exert so much authority with the government as belonged by right to the mouth-pieces of God's will, the new laws which they conveyed could not always be put into force at once. In such cases they could only commit these laws to writing, awaiting the earliest opportunity to get them



recognised by the State. This is what is meant when it is said by critics that some parts of the Pentateuch may be supposed to be made up of legislative programmes; the communication to the people by prophetic authority of a necessary new application of the principles of the legislation of Moses often preceding the adoption of the new law by the civil authorities. On this view, as I have explained in my former answers, the designation of all true theocratic laws as laws of Moses must be taken in a figurative sense, which, however, would not give rise to any misunderstanding. It was a recognised convention to incorporate new ordinances with the history of the first institution of the law by Moses; and, however inconvenient such a practice may appear to us, it had the important advantage of constantly impressing on the people that no law could have force in Israel which did not attach itself to the principles of the Mosaic legislation as a genuine development of Mosaic ideas; while at the same time the people's duty of obedience to every law of God was enforced by teaching the Israelites always to look at the Divine commands in connection with the great work of God's grace in redeeming His people from Egypt, entering into covenant with them at Sinai, and guiding them to the land of Promise.

The great difficulty which is felt about this view is, of course, that under it certain things in the Pentateuch can no longer be taken as plain literal statements of fact, but receive a figurative or conventional sense. The Presbytery has indeed found that the critical view does not necessarily involve the position that there is anything fraudulent in the form in which the Pentateuchal laws are cast. It is admitted to be possible in the abstract, that under peculiar literary conditions a Pentateuch, such as the critics suppose, might have been written as part of the record of revelation, possessing the characters of Divine Scripture laid down in our Confession. But it seems to be argued that it is practically incredible that this abstract possibility represents the actual facts; that if the Pentateuch is not the work of Moses it is



far simpler to suppose it to be a forgery in his name, deliberately written to deceive the people, and unworthy of a place in Scripture; and that unless the Church is prepared to accept this last supposition she cannot with safety allow it to be doubted that the whole law is of Mosaic date. The rationalistic character of this objection lies on the surface. It allows *à priori* considerations of human probability to determine what we are to believe about the method and form of God's Revelation to His ancient people. But for the present purpose it is more important to observe that the same argument can be turned against the ordinary view of the Pentateuch. The conservative argument is that on the critical theory the Pentateuch departs so far from the ordinary standard of history, that people cannot be expected to regard the book as part of the Divine record of revelation. But a rationalist of another school may argue with equal force that, on the traditional theory, the Pentateuch departs so far from the ordinary standard of legal composition that people cannot be expected to regard the book as embodying a God-given legislation. The variations in legislative style and terminology that appear in different ordinances on a single subject; the occurrence of numerous laws which appear to give quite independent and inconsistent provisions for the same case, and which, if reconcilable at all, are so only by arbitrary assumptions not suggested by the text; the fact that the final repetition of the law in Deuteronomy adds new difficulties and apparent inconsistencies, instead of simplifying the interpretation of earlier ordinances; these and other features in the legislation, which on the critical theory are intelligible and free from difficulty, do on the traditional view give a handle to objections against the Divine authority of the legislation, which can hardly be overruled if it is admitted that people have a right to disbelieve what seems to be *à priori* improbable. If one man, arguing in the interests of supposed orthodoxy, is allowed to say:—"I cannot believe that God would admit into the Bible a kind of literary composition so artificial and so liable to be mis-



understood as the Pentateuch would be on the theory of the critics," another man arguing against Revelation cannot be forbidden to say, "And I cannot believe that a legislation, really given by God to Moses, would contain so many obscurities, and appear in so disjointed, puzzling, and apparently contradictory form as the Pentateuch exhibits on the traditional interpretation." It is not safe in a controversy like the present to use arguments that are liable to recoil on those who employ them, and it will be a sorry service to orthodoxy to condemn my opinions on grounds which the very first assailant of Revelation is sure to turn against the orthodox themselves.

In truth the confidence with which men propose to cut short all critical enquiry into the composition of the Pentateuch, on mere grounds of *a priori* probability as to the manner of God's revelation, would be impossible, but for the fact that the difficulties of the critical theory lie on the surface, while the difficulties of the current view are apparent in their full force only when the Pentateuch is read with minute attention. And therefore it may not be amiss at this point to illustrate what has been said by looking in some detail at one class of facts. According to the current view, Israel received at the commencement of its national existence the laws which were to regulate civil and religious life through the whole subsequent progress of the state and people. The institutions of the theocracy were to remain stationary, not only in principle but in detail, under every change in political circumstances and in the structure of society, or, if any modification might become indispensable in the course of time, this was already provided for in the prophetic wisdom of the original legislation. Thus in Deut. xvii. 14, *seq.*, a law is given for the future kingship, and in Deut. xix. 9, directions are given to increase under certain circumstances the number of the cities of refuge. The existence of such exceptional provision for future contingencies, in a limited number of cases, only serves to make it more clear that, on the traditional view of the Pentateuch, the whole constitution and laws of Israel were de-

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signed to remain unmodified to the close of the dispensation. Let us consider for a moment what this involves. In all nations new legislation is the invariable accompaniment of progress in national life, and no considerable change can take place in the state of society without making old laws obsolete and new laws necessary. Thus it is plain that a stationary system of theocratic institutions could only be designed to correspond to a stationary condition of the whole national life. In giving to the people an invariable legislation, no part of which was to be abrogated or modified in later times by the inspired successors of Moses, God designed to prescribe to the people an *ideal* of domestic, social, and political life, from which, so long as the dispensation lasted, no age could depart without sin. It is admitted that the ideal was not perfect, that some things were allowed for the hardness of the people's hearts, and that the whole dispensation was destined to pass away. But within the dispensation there was no room for growth. There was a growth in the knowledge of Divine truth through a succession of inspired teachers; but new truth was not allowed to modify old ordinances, which corresponded from the first with the highest ideal of national life attainable before the coming of Christ. From this it follows that since the conditions of Hebrew life never did correspond with the ideal, some parts of the law were in every age impracticable. Political complications or social disturbances, themselves the fruit of Israel's sins, led to a state of things in which even the highest prophets made no attempt to carry out important parts of the law, as for example the statute that confined sacrifice to the central altar. But though observance of the law might be suspended, the law itself was there as a witness to the Divine ideal of theocratic life.

From this ideal character of the legislation, it is at once apparent that the details of the Pentateuchal laws were not shaped with regard to the special circumstances of national life in the age of Moses. The laws are not adapted to the particular condition of things in one age, but to the



highest ideal condition of things possible under the dispensation. The legislation is essentially prophetic; even the form of its words is sometimes addressed to future generations (as in Deut. xix. 14). In a word, it is the very essence of the traditional view of the Pentateuch that the law of Israel did not grow up by successive revelations adapted to changing circumstances, but that it was framed by Divine Wisdom in a shape independent of all change of national conditions within the limits of the dispensation.

But the ideal stability, which we have hitherto contemplated as the special characteristic of the Torah, disappears when we go back to the lifetime of Moses. Ordinances which were not to vary in subsequent centuries undergo repeated changes between Sinai and the plains of Moab—changes perfectly intelligible if the different forms of the law were adapted to the needs of different ages and to changing conditions of society, but altogether unintelligible in a legislation given by Divine authority, and not to meet a temporary need, but to be the unvarying and ideal rule of Israel's life. One can understand that certain temporary ordinances might be given for the wilderness journey which should disappear on entrance into Canaan. But this explanation does not cover the facts. For example in Num. iv., the service of the Levites is ordained to begin at the age of thirty, but in Num. viii., 23, *seq.*, at the age of twenty-five. There is nothing to account for such a variation in the circumstances of the wilderness journey, and neither law is prescribed with limited reference to that period. Indeed both laws appear in a part of Numbers which, if taken as literal history, records what was done before the people moved from Sinai. Or again the laws of Exodus xxi.-xxiii., which (with ch. xx.) formed the basis of the Sinaitic legislation, are plainly designed for the period of settled residence in the land of Canaan. Now at xxi. 7 it is expressly stated that a Hebrew maid-servant is not to be set free like a manservant at the close of seven years. In Deut. xv. 12, 17, the law is made the same for both sexes, and so it is taken in Jer. xxxiv. Again in Exod. xxii. 31,



carion is to be thrown to the dogs. According to Leviticus xvii. 12, 15, it must be eaten neither by the native Israelite nor by the Gêr (protected stranger). But in Deut. xiv. 21, the Gêr is allowed to eat of it; so that Moses appears as relaxing his original ordinance. Similar modifications appear in ritual laws. The same sin-offering is assigned for the day of Pentecost in Lev. xxiii. 19, and Num. xxviii. 30, but the burnt-offering, according to the former law, consists of seven yearling sheep, a bullock, and two rams; while the other law names seven sheep, two bullocks, and one ram. Or again, in Exodus xiii. 11-13, a law is given that after the people enter Canaan, the firstling of an ass must be redeemed with a sheep, or else killed. But before the wilderness journey is over, and before the law has ever been put in force, the ordinance is changed (Lev. xxvii. 27, Num. xviii. 15), and it is provided that the firstling of an animal not fit for sacrifice shall either be bought back by the owner at the priest's valuation, or, failing this, shall be sold by the latter. On the current theory we must suppose that these variations took place within a few years, or perhaps in some cases within a few months, in laws which were not designed to meet a temporary necessity, or framed in the tentative style of human legislation on principles of expediency, but given by Divine authority as the ideal and invariable rule of Israel's life in the promised land, covering with prophetic foresight even contingencies of the remote future. Does not this view suggest difficulties to belief at least as formidable as lie in the critical hypothesis of a figurative ascription of later legislative developments to the first lawgiver? Will not unbelievers, with these facts before them, retort upon the Church the very argument with which it is proposed to crush my views, and declare that, if this is a true account of the work of Moses, common sense will refuse to acknowledge him as a mouthpiece of revelation, and will recognise in the variations of his laws the tentative construction of a fallible human legislator? And will it be possible to deny force to this argument, if the Church has admitted as a ground for rejecting critical views without ex-



amination, the argument that if the whole Pentateuch is not literal history common sense will reject it as a forgery, and refuse to entertain the idea that the ascription of the laws to Moses may have been designed and accepted in a figurative sense. In truth, the current view of these facts must raise grave difficulties in the mind of every thoughtful man who seeks a truer conception of God's plan of revelation than that of Talmudic Judaism,\* and refuses to ascribe the workings of the Most High to a human changefulness of purpose. To believe in revelation at all, we must believe that at every point in the history God gave to his people the best ordinances and the fullest light that they were able to bear. There is no difficulty in believing that a God-given law underwent many changes to meet new needs of God's own people, and to answer changing circumstances in the history of the Church. But in every case the change must be not in God's holy will and purpose, but in the relation of his purpose to mutable human conditions. On this principle, the Mosaic authorship of the whole Pentateuch, with its varying ordinances, frequent repetitions, and apparent contradictions, raises a serious theological difficulty; and the believing mind will not make light of the fact that criticism, which started with no theological purpose, which argues solely on historical and philological grounds, has led to another view of the Law which removes the difficulty, enabling us reverently to contemplate in the Pentateuch the divine wisdom which watched over the growth of the theocratic ordinances through long generations, and ever anew adapted them to new needs.†

\* In the Talmudic Haggada God is continually represented as mutable in his counsels. Even in the work of creation he is depicted as doing a certain thing and then thinking better of it and undoing his work. See, for example, Rashi's note on Gen. i. 21.

† Thus, to choose a single illustration from the cases already cited, it is easy to show on the critical theory that the various forms of the law as to the use of carrion present a single principle in the legal symbolism of the Mosaic dispensation modified in application by changes in social condition. In the earliest law of Exodus xxi.-xxiii., the *Gêr* is mentioned only as a person subject to oppression and having a claim to kindness (xxii. 21, xxiii. 9) and not as one of another religion. Probably in early times he was quite as often an Israelite of another



I turn from the theological aspects of the question to the evidence of Biblical facts, bearing on such points in the critical position as are particularly attacked in the Libel. The present controversy turns directly on the date of the several parts of the Pentateuchal law. But it is proper to observe that, as matter of history, the earliest question discussed by critics was not whether all the laws as laws go back to Moses, but whether the Torah or Pentateuch, in its present form, is the work of a single author, and whether that author is Moses. And on this preliminary question scientific enquiry has led to conclusions which are no longer matter of dispute among scholars, which are accepted by Hebraists of every school in our own country as well as abroad, and from which, I imagine, no continental Hebraist, known to the world of letters now dissents, with the exception of Talmudical Jews, Roman Catholics, and Keil, who is the surviving representative in Germany of the school of Hengstenberg and Hävernack, to which many in our country still adhere.

I. It is admitted, in the first place, that the first four Books of the Pentateuch do not profess to be written by Moses, though we read that from time to time he was commanded to record some particular precepts or facts (Exod. xxiv. 4-7, xxxiv. 27—Exod. xvii. 14; Num. xxxiii. 2). And even if the words of Deut. xxxi., 9 *seq.*, (“and Moses wrote this law,” &c.) are to be taken as literal history—a point which it would be premature to discuss at this stage—it is admitted that the words “this law” (Hebrew, *this Torah*) can only mean the law of Deuteronomy, and not the whole Pentateuch. In the foregoing books *Torah* does not mean a law-book or a body of laws, but an individual revelation (literally *instruction*) or a legislative prescription on one definite subject. In Deuteronomy again the expression “this Torah” occurs

tribe as an absolute alien (cf. Lev. xxv. 35, Judges xvii. 7, xix. 16). But before Deuteronomy was written tribal distinctions were weakened, the nation was become homogeneous, and the Gēr could only be one who was not a Hebrew. The law of Lev. xvii. is perhaps still later, and dates from a time when the word Gēr had acquired the sense of a religious *Proselyte*. Compare Zech. ix. 7, Ezek. xlvii. 22.



very frequently, and is manifestly used throughout in one consistent sense, of the body of instruction conveyed by Moses to the people in his last speech, without reference to any previous law or laws. See chaps. i. 5; iv. 8; iv. 44. Accordingly, when we read in Deut. xxxi. 9 that "Moses wrote this Torah," the meaning can only be that he wrote the Deuteronomic Torah, which he had already delivered to the people by word of mouth. This is confirmed by what follows in the next verses. As soon as it is written, the command is given that "this Torah" be publicly read to the people in solemn congregation at the great autumn feast of the Sabbatic year, that they may hear and learn, and fear the Lord, and sedulously observe *all the words of this Torah*. To read the whole Pentateuch would not have been possible. And Jewish tradition distinctly states that Deuteronomy alone was read (Delitzsch, *Genesis*, p. 20). It is plain then that the Deuteronomic Torah originally formed a book by itself; and this is what is meant when we so frequently read in Deuteronomy of "the book of this Torah." Of course the book written by Moses did not comprise the whole of our present Deuteronomy. The first verse of the book as it now stands tells us that Moses spoke, "on the other side of Jordan" from that on which the verse was written;\* the establishment of Israel in Canaan is presupposed in ii. 12, iv. 38; and the last chapter, which records Moses' death, was composed after the name of the city Laish had been changed to Dan by the Danites, whose doings are related in Judges, and who had for their priest a descendant of Gershom, the son of Moses.† Nor would Deut. xxxiv. 10 have any meaning unless the writer lived some time after Moses. Accordingly recent defenders of the Mosaic origin of Deuteronomy admit that the legislative part of the book, from the title in iv. 44-49 to the subscription in chap. xxix. 1 (Heb.

\* That this is the true translation, and that the English version is wrong, is now generally admitted.

† Judges xviii., 29-30. It is well known that *Moses* should be read for *Manasseh*.



xxviii. 69), or perhaps only to the end of chap. xxvi., originally formed a distinct work, which was not filled out to the limits of our present Deuteronomy, and made to form an integral part of the Pentateuch till a later date.\*

II. It is admitted, in the second place, that the hand which wrote down the Deuteronomic legislation cannot have composed the four other books. The great difference in style between Deuteronomy and the other books is denied by no one, and popular defenders of the unity of the Pentateuch are accustomed to argue that a man's style might be vastly changed in a period of nearly forty years. But this argument is not to the point. The last chapters of Numbers, which were not written before the fortieth year of the Wandering, are as different from Deuteronomy as any part of Exodus or Leviticus, and in points of style agree with the latter against the former. For example, Deuteronomy always speaks of the mountain of the law as Horeb, and Sinai occurs only in the poetical passage xxxiii. 2. But in the other four books we always hear of the law as given at Sinai.† And so we find Sinai and not Horeb in Num. xxvi. 64 and xxviii. 6, passages which were not written more than a few weeks before the last speech of Moses. Or to take a larger example, the law about cities of refuge in Num. xxxv., and that in Deut. xix., are both dated from the plains of Moab. Yet it is impossible to conceive two laws on the subject more different in style and expression to any one who reads them in the original. In Numbers, the technical expression city of refuge is repeated at every turn. In Deuteronomy the word *refuge* does not occur, and the cities are always described by a periphrasis. In Numbers the phrase for "accidentally" is *bish'gaga*, in Deut. *bib'li da'at*. The judges in the one are "the congregation," in the other "the elders of his city." The verb for *hate* is different. The one account says again and

\* So Oehler *Bib. Theol.*, sec. 31, Koehler, *Geschichte* vol. i., p. 333, and Delitzsch, *Genesis* l.c.

† Horeb is named in Exod. ii. 1, xvii. 6, xxxiii. 6.



again "to kill any person," the other "to kill his neighbour." The detailed description of the difference between murder and accidental homicide is entirely diverse in language and detail. The structure of the sentences is distinct, and in addition to all this there is a substantial difference in the laws themselves, inasmuch as Deuteronomy says nothing about remaining in the city of refuge till the death of the high priest.\*

I have said a little on this matter of style, because my opponents have generally maintained that Moses wrote the whole Pentateuch, and have made it a point of their argument that the language and style of the books opposes no obstacle to this view. But I cannot give anything like full details, and it is the less necessary to do so, because when it is admitted that the Deuteronomic law was originally published as a separate book, that a writer considerably later than Moses added the historical setting which now connects it with the rest of the Pentateuch, and that in the other books only isolated passages claim to be written by Moses, no scholar will be found daring enough to maintain that notwithstanding this, the main body of these books equally with Deuteronomy is in form, as well as substance, the composition of Moses.

III. But there is a third point on which Protestant scholars are agreed, namely, that more than one hand was engaged on the earlier books, that from Genesis to Numbers we can trace at least two distinct streams of parallel narrative. It is common to make light of the consensus of scholarship on this head, by observing that critics differ much among themselves in their attempts to dissect the constituent narratives out of the present complex structure of the books. But this observation is by no means to the point. It is much easier to recognise that a narrative is made up from several sources than

\* I find on a rough calculation, omitting auxiliary verbs, particles, &c., that in the passage, Num. xxxv. 11-34, there are 19 nouns and verbs which also occur in Deut. xix. 2-13, and 45 which do not occur in the parallel passage; while the law, as given in Deut., has 50 such words not in the law of Numbers.



to reconstruct the sources themselves. It may not be easy to say whether the second author in the Pentateuch merely interwove supplementary passages with the context of an earlier narrative, or whether the hand of an editor combined two narratives originally independent; and yet it may be quite plain that in one of these ways a compound authorship must be recognised. There is far more harmony among critics of the Pentateuch than among critics of Homer. Yet no one would for a moment be allowed to argue that the differences of Greek scholars invalidate the argument that the Homeric poems are not the work of a single hand. The chief dispute among Biblical critics is as to the dates of the several authors whose work is combined in the Pentateuch; and that is plainly a question which is hard to answer, and perhaps never can be answered. But that the Pentateuch is a complex narrative is no longer a hypothesis but a demonstrated fact, admitted as fully by Delitzsch, Kurtz, and Oehler as by Ewald, Riehm, or Kuenen. The proofs have been often set forth and never answered. To say that they have any connection with rationalistic principles is simply to say that scholarship and rationalism are identical, for on this point Hebraists of all schools are agreed. I could not reproduce the evidence on which the consent of scholars rests without going step by step over a great part of the Pentateuch. I am ready to do this if it is required of me, but meantime it is enough for my purpose to direct attention to one element in the case. It is admitted on all hands (except by Keil, whose conservatism is unbending, and by Coleenso, whose peculiar views have found no followers) that one of the component parts of the Pentateuch is a document which originally formed a separate book and which has been preserved almost entire, though passages from other documents or supplementary statements by a later hand now come in to break its continuity. This document, for which, following Wellhausen, I shall use the symbol **Q**, begins with the first chapter of Genesis, and can be traced throughout the Pentateuch by very marked peculiarities of style and plan. It was first recog-



nised by the use of Elohim in preference to Jehovah up to the time when God made himself known to Moses by the latter name (Exod. vi. 2, *seq.*) But this criterion is only one of many others which are altogether unmistakable. To this document a large part of the legislation in the Middle Books of the Pentateuch unquestionably belongs—particularly laws about the tabernacle and its service, the priesthood, and the Levites. The recognition of this fact leaves room for great variety of opinion in detail, especially as to the date at which **Q** was written. Delitzsch supposes that it may have been written immediately after the conquest—perhaps by Eleazar—while most scholars think of a later date. But the arguments on which conjectures as to the date are founded are distinct from those which have proved to the satisfaction of *all* scholars that **Q** was originally an independent work.

Observe then the point to which we are carried by the universal consent of those who have a right to speak on the subject, whether they be supporters or opponents of what are called critical views. That the Deuteronomic law originally formed a separate book is plain from what is told to us in the book itself. It is impossible to defend the Mosaic authorship of that law without admitting a distinction between the book to which Moses consigned his last great speech, which was entrusted to the priests and ordained to be periodically read to the people, and the introduction and epilogue added by a later hand, which now link the original book to the rest of the Pentateuch. Again, the hand that wrote Deuteronomy did not write the last chapters of Numbers, or indeed the main body of the previous books. Finally, these books are themselves complex in structure, and, without using any arguments save theologically neutral considerations of style and structure, scholars have come to be agreed that at least one great book of history and law had originally a distinct existence apart from Deuteronomy. In a word, the Pentateuch, by universal consent, contains at least *two* separate law books. And to these we may add, on the authority of the Pentateuch itself, the *Book of the Covenant*



(Exod. xxiv. 7) which Moses wrote at Sinai, and which the people bound themselves by covenant to obey. According to Exod. xxiv. 4, this book contained "all the words of Jehovah." This might perhaps be taken to mean only the words of xx., 2-17, spoken directly by God to the people. But it is generally held to embrace all the laws in Exod. xx.-xxiii., which the narrative manifestly presents as a connected scheme. This third book I shall call **S** as an abbreviation of *Sinaitic Covenant*.

That these several law books existed separately for some time before they were combined in the present Pentateuch, is not in itself a proof that the laws which they contain were not all promulgated by Moses substantially as we have them. A prophet composing a history of Mosaic times might incorporate with his book as much of the law as was specially important for the laity; and a priestly historian, on the other hand, might prefer to fix in writing the priestly ordinances which had previously been handed down by word of mouth. But unless there is reason to suppose that all the constituent parts of the Pentateuch were written very near the time of Moses, it is quite conceivable that, in a theocracy continually guided by the prophetic word and the priestly oracle, the details of the laws had already undergone, by divine command, some modifications to fit them to new conditions. And in that case it is very probable that an author who wrote for the practical instruction of the people, and not from mere antiquarian interest, would think it right to give the laws in a form corrected down to date; while it is not so clear that he would think it necessary to add an elaborate explanation to the effect that Moses originally gave a somewhat different ordinance for this or that emergency. And if the Pentateuch is so complex a book as we have seen reason to suppose, it is hardly to be thought that all its parts are nearly of one date; and at any rate the task of uniting several books in one whole, artificially fitting passages of the one into the other, and adding long supplementary sections, could hardly be undertaken when the books so treated were still new.



We have found distinct evidence that the "framework" of Deuteronomy is considerably later than Moses. And the other books exhibit indications of the same kind. Compare Gen. xii. 6, Num. xv. 32, Num. xxxv. 14 (where the rendering "on this side Jordan" must be corrected to "beyond Jordan") Gen. xiv. 14, ("Dan") and above all Gen. xxxvi. 31, "These are the kings that reigned in the land of Edom before there reigned a king of the Children of Israel." When all this is taken into account, the idea that there may be real discrepancies between the laws in different parts of the Pentateuch loses the appearance of improbability, and ceases to present the alarming character with which it is generally invested by persons who are not acquainted with the state of the case as now admitted among scholars.

Another difficulty that besets the usual view of the Pentateuch is at once obviated by the recognition of documents, which though now fused together were originally complete in themselves. Any one who has taken the trouble to compare the parallel laws in different parts of the Torah, must have been struck by the want of references from later passages back to earlier ones. The technical terms of the Middle Books are dropped in Deuteronomy (*e.g.* city of refuge), and new ones are introduced, without a word of explanation, (*e. g.* year of release). The feast of Pentecost is called the feast of harvest in **S** (Exod. xxiii. 16), the day of first-fruits in **Q** (Num. xxviii. 26), and the feast of weeks in Exod. xxxiv. 22, and Deut. xvi. 10. Similar variations in legal expressions might be multiplied almost without number. Yet there is no point which a lawgiver is naturally more attentive to than the use of the same expressions in the same sense throughout his writings. Or again in the many cases where those who maintain the Mosaic authorship of the whole Pentateuch admit that at least a seeming contradiction exists, why did not Moses choose his language with an eye to what he had already written, and thus obviate all risk of mistake? But these difficulties disappear in the light of scholarship. The language of **Q** does show that consistency



which one expects in a lawgiver, and so does the language of **D** (as I shall call the legislative kernel of Deuteronomy without the later framework). And as each book was written to stand by itself, the author of each could use his own style and such technical terms as were current in his own time or tribe.

On the other hand, the fact that **Q** and **D** were originally self-contained works must be kept clearly before us when we examine whether there are real discrepancies between the laws in these books. It is quite certain, from the expressions used in Deuteronomy itself, that **D** was not meant as a mere supplement to a book already in people's hands, but as a self-contained system of divine instruction (see especially xvii. 18 ; xxvii. 26 ; xxviii. 1, 58 ; xxix. 29 ; xxx. 10.) It contains God's renewed covenant with Israel (xxix. 1) by which the people are to live and by which they are to be judged. Accordingly, its ordinances must have been meant to be intelligible and to be an adequate guide to the people without any other written law. It does not indeed contain a system of ceremonial ordinances for the priests, because it is meant for the whole people, who did not require to carry in their memories details which it fell to the priests to execute. The law of leprosy, for example, is not repeated, but the people are simply told (xxiv. 8) to follow in this matter the instructions of the priests. So also difficult questions of judgment are reserved for decision by the priests (xvii. 8) ; but the plain duties of life are complete in the book, and where it fails the appeal is not to another written law book, but to the priests in person. Accordingly, no reconciliation of a supposed discrepancy can be accepted which goes on the assumption that the law of Deuteronomy is not intelligible without reference to the other Pentateuchal books. And conversely the law in **Q** must have been meant to be understood by readers who had no access to **D**. The importance of this remark will appear in the sequel. I add to it one other general observation. When an entirely independent line of enquiry has established the original separate existence of



two parts of the Pentateuch, evidence to show that they contain discrepant ordinances acquires a new force and weight. If it can be shown that **Q** gives a view of any large subject—such as the relation of the priests to the Levites and the people—which is thoroughly consistent from first to last, and that **D** gives another view, also self-consistent, but which from point to point appears to diverge from **Q**, the force of this argument against the possibility that both laws are of contemporary date is not to be broken by offering for each apparent contradiction some solution founded on hypothesis and admittedly more or less precarious. The force of the critical argument is that all the differences in detail between **Q** and **D** hang together and are part of a system. These systematic differences occur between two documents which are otherwise known to have been originally distinct publications; and it seems incredible that the reconciliation of a systematic series of discrepancies in two independent books can lie in a disconnected series of hypothetical solutions, all in some degree unnatural.

Carrying with us these observations, let us go on to ask whether there is evidence for the statement in the article "Bible," that the ordinances about the priests and Levites in **Q** and the corresponding legislation in **D** cannot be contemporaneous, and cannot both go back to the time of Moses. In the Middle Books of the Pentateuch, in ordinances which form part of **Q**, a sharp line of distinction is drawn between the Levites and the priests, the sons of Aaron. Though the latter are of Levitical descent, the name of Levites is never applied to them, but designates exclusively the Levites who are not priests.\* It is the priests' service to offer sacrifice and burn incense before the Lord. Their office extends to everything of the altar and within the veil (Num. xviii. 7), and it is also their function to bless the people in the name of the Lord (Num. vi. 23). The Levites again are strictly

\* A solitary exception seems to be Num. xxxv., where the 48 cities of the *Levites* include, as appears from Josh. xxi., the 13 cities of the priests. In the Pentateuch cities for the priests are not mentioned.



confined to subordinate offices. They bear the tabernacle and its furniture (Num. iv.), but dare not touch the altar or the holy vessels (Num. xviii. 3). The fate of Korah teaches that it is a crime for them to pretend to the priesthood or to offer incense (Num. xvi). They are in fact servants *given* to the priests (Num. iii. 9) who are "made to stand before Aaron the priest, and minister to him" (Num. iii. 6), performing necessary service before the tabernacle for him and for the congregation. But though thus subordinate, the Levites have a position of consequence in the theocracy. Their service has the value of saving the laity from the deadly risk of rash contact with the tabernacle (Num. xviii. 21-24), and in return for this important function they receive "every tithe in Israel" which the people offer as a heave-offering (*terûma*) to the Lord. This tithe is called the Levites' inheritance; but in addition to it cities are appointed for their residence, round which they are to receive pasture for their cattle (Num. xxxv.) Of the priests again it is said that the Lord is their inheritance (Num. xviii. 20). They receive certain offerings and dues from the people and a tithe of the tithe from the Levites. Of the priestly dues enumerated in Num. xviii., it is important to mention the breast and leg (*shôq*) of ordinary sacrifices, the first fruits, and the firstlings of cattle. The firstlings of animals not used for sacrifice were sold, the price falling to the priests (Lev. xxvii. 27); all others were sacrificed, but the flesh belonged to the priest in the same way as the breast and leg of ordinary sacrifices—that is, it was eaten by all clean members of his household.

When we turn to Deuteronomy we find no trace of an indelible distinction of birth between priests and other Levites. The priests are not called the sons of Aaron. In xxi. 5, they are "the priests, the sons of Levi." More frequently they are called "the priests the Levites," or, as we should express it, the Levite priests. Again, the book of Deuteronomy recognises no function as assigned by God to the tribe of Levi, which it does not expressly declare to belong to the "Levite



priests." According to x. 8, the Lord separated the tribe of Levi (1) to bear the ark, (2) to stand before the Lord to minister unto him, and to bless in his name. The first of these functions is ascribed to the Levite priests in xxxi. 9,\* the second is named in xxi. 5, as the very function for which the Levite priests were chosen. And throughout the book we never read of any office being discharged by a Levite without distinct intimation that the ministry is priestly or the ministrant a priest. In other words, Deuteronomy regards all Levitical duty as priestly duty. Accordingly the same men who, in xxxi. 9, are called Levite priests, appear in verse 25 simply as Levites. It has been suggested in explanation of these facts that Deuteronomy uses the word *priest* in a looser sense than the earlier books, and applies the term to all Levites in virtue of the special consecration of the tribe. This would be a very remarkable change of language on the part of Moses since the time when he rebuked Korah and his Levites for "seeking the priesthood also." (Num. xvi. 10). We should have to suppose that while maintaining the privileges of the house of Aaron, the lawgiver had silently conceded a nominal priesthood to the rest of the tribe. But as a matter of fact, the *Levite priests* of Deuteronomy always appear as persons entrusted with functions, or possessing privileges, which, according to Q, are limited to the sons of

\* Mr. Curtiss, to whose book I refer as the latest attempt to solve the difficulties of the subject before us, observes that the words of Deut. xxxi. may mean no more than that the priests bore the ark on this particular occasion, as they are recorded to have done on other important occasions later in the history. This view is grammatically possible; but it must be remembered that when Moses delivered his book to the priests, the ark was at rest in the tabernacle, from which it was never moved except when the host was on the march. Thus it must be meant that the priests to whom Moses gave the book were those whose business it was to carry the ark when it had to be carried. In other words, Deut. xxxi. makes the carrying of the ark a priestly function. As such it appears in the subsequent history, Josh. iii. 3; vi. 6; viii. 33; 1 Sam. vi. 15 (for the Levites of Bethshemesh were priests, Josh. xxi. 16); 1 Kings viii. 3. In 2 Sam. xv. 24, 29, we see that the chief priests are the proper bearers of the ark even when they have other Levites to help them. And 1 Chron. xv., the one passage which describes a case where the ordinance of Q was strictly observed, serves only to show that it was not the importance of the occasion, as Mr. Curtiss supposes, which decided whether priests or Levites were to bear the ark.



Aaron. Let us take up in order the principal passages in which they are mentioned. In Deut. xvii. 18, xxxi. 9, 25, they appear as the custodians of the book of the law which was kept by the side of the ark. The common Levites were not allowed to touch or even see the ark (Num. iv. 20); and everything within the veil, which the Levites were not allowed to pass, belonged to the charge of the priests (Num. xviii. 7). A book preserved in the Holy of Holies could therefore be entrusted only to the priests proper. In Deut. xxiv. 8, the Levite priests give direction in cases of leprosy. This is the business of Aaron and his sons (Lev. xiii. 2). Again, judicial functions belong to the Levite priests (Deut. xvii. 9; xxi. 5), more particularly to the priest "who stands to minister at the sanctuary before the Lord" (xvii. 12), or to the priests whom "the Lord hath chosen to minister unto him, and to bless in the name of the Lord" (xxi. 5). The former expression, in the context in which it occurs, unquestionably denotes the high priest, and the terms of the latter are inapplicable to an ordinary Levite. We have seen from Numbers vi. that to bless the people was the special work of the sons of Aaron. With this function the duty of ministering to the Lord is co-ordinate; the priest presented the people's service to God, and carried back to them His blessing. And, whereas the Levite priests of Deuteronomy "stand before the Lord to minister to Him" (x. 8; xxi. 5), the non-priestly Levites of **Q** are "made to stand before *Aaron* and minister to him" (Num. iii. 6, Heb.) This distinction is based on the ordinary meaning of the words *minister* (shāret), and *stand before* ('amad lipnê), which, in Hebrew, denote only such personal attendance as brings the minister into the closest contact with his master. The common Levites of **Q** are personal attendants of the priest, but not of Jehovah; for the priests stand between, and the Levites are forbidden to approach the altar or the holy things, the "instruments of ministry" (Num. iv. 12). This distinction is brought out with peculiar sharpness in Ezekiel xlv. 10-16, especially by comparison of verses 13 and 15 in the Hebrew. God's minister is the priest, who draws near to Him, and



stands before Him at the altar, having that closeness of mediatorial access which under the symbolism of the dispensation is denoted by the privilege of approaching with impunity to the altar and the holy things.\* We have still to consider Deut. xviii. 1, where it is declared that "the Levite priests, the whole tribe of Levi, shall have no part or inheritance in Israel; they shall eat the fire-offerings of the Lord and his inheritance." It is a question with interpreters whether in this verse *the whole tribe of Levi* is synonymous with *the Levite priests*, or whether, as in Joel i. 14, an *and* should be supplied. But in either case the Levite priests appear as having a right to eat of the fire-offerings of the Lord, which in **Q** are reserved for the sons of Aaron.

Observe then the point which we have now reached. In **Q** the functions of the priests are distinct from those of the Levites, and the choice by God of Aaron and his sons was quite distinct from the subsequent choice of Levi. But according to Deuteronomy, all the functions for which God separated the tribe of Levi are priestly functions, discharged by Levite priests; and it was in choosing the tribe as a whole that God chose a priesthood (Deut. x. 8). On the other hand

\* This usage is invariable. So, Joel i. 9, 13, the priests, the ministers of Jehovah are the ministers of the *altar*, which is the point at which under the old Covenant God meets with man (Exod. xx. 24). In Jer. xxxiii. 18, 21, 22, the Levites who minister to God are the Levite priests who do sacrifice, which precisely agrees with Deuteronomy, and illustrates the text before us. On the other hand, Levites who are not priests are never said to minister to the Lord, or to stand before the Lord. Mr. Curtiss, indeed, cites 2 Chron. xxix. 11, compared with verses 4, 5, 12. But here the persons who stand before the Lord to minister to Him are chosen "to be to Him ministers and burners" [of incense or sacrifice]: the ministry contemplated is therefore the priestly ministry of the altar, and if the passage proves anything, it proves that at the time of Hezekiah the law of **D** and not that of **Q** was in force. A more plausible reference would have been to 1 Chron. xv. 2, which, however, is simply a quotation from Deuteronomy. Mr. Curtiss refers further to the case of Samuel (1 Sam. ii. 11). But though Samuel was not by birth a son of Aaron, he was certainly adopted into the place of a priest, for in his ministry before the Lord he wore the Ephod and the priestly mantle or *Me'il* (1 Sam. ii. 18, 19), which the English version unfortunately renders *coat*. Neither of these belonged to a common Levite. Mr. Curtiss singularly enough refers to the fact that Samuel opened the doors of the sanctuary, forgetting that to shut these doors is priest's work (Mal. i. 10).



the Levite priest of Deuteronomy is always represented as possessing privileges from which **Q** excludes all but the sons of Aaron. Even the Levite priests who carry the ark are true priests, quite unlike the Kohathites to whom the same work is assigned in **Q**, for they have the custody of what is within the veil. In other words, every Levite who holds sacred office is a Levite priest, and every Levite priest shares the privileges which in **Q** are confined to the sons of Aaron. This conclusion from the facts already noticed is explicitly confirmed by the ordinance of Deut. xviii. 6, which provides that any Levite who is sojourning as a Gêr in some other town may, if he please, come up to the sanctuary, in which case he shall be admitted "to minister in the name of the Lord his God like all his brethren the Levites who stand there before the Lord." These expressions are almost identical with those which we have already found to be used of proper priestly service. But their force here is rendered quite unambiguous by what precedes. In verse 4 we are told that the priest—the priest in the strict sense of the word, who gets a share of every sacrifice, and enjoys the first-fruits assigned by **Q** to the sons of Aaron—was chosen by God "out of all thy tribes to stand to minister in the name of the Lord," and that it is for this service that he enjoys these perquisites. Accordingly verses 6 and 7 can only mean that any Levite who comes to the sanctuary is enrolled among the priests proper "like all his brethren the Levites who stand there before the Lord." And verse 8 adds, that all Levites so enrolled share alike in the dues paid by the people.

I have already observed that the differences between **D** and **Q** are not accidental but systematic. We have found them to be so hitherto, and we may pause to notice that our results explain one curious difference which might at first sight seem due to accident. In Num. xvi. we have the history of a revolt in which Korah, a Levite, was engaged along with Dathan and Abiram, sons of Reuben. Korah's object was to gain priestly privileges. Now, in Deut. xi. 6 the destruction of Dathan and Abiram is referred to as a warning, but Korah is



not mentioned. And it stands to reason that his example could not serve as a warning in Deuteronomy, which concedes altar privileges to any Levite. Another interesting proof, how completely Deuteronomy places the whole tribe of Levi in the position which **Q** gives to Aaron and his sons, is found in x. 9. Levi is to have no part or inheritance with his brethren, the Lord is his inheritance. These are the very expressions used in Num. xviii. 20, but there they apply to Aaron. It is not said of the common Levites in **Q** that the Lord is their inheritance.

This remark carries us on to a new point of difference between **Q** and **D**. What is the position, according to Deuteronomy, of the Levite who is not in office at the sanctuary? We know already that he has no part or inheritance with Israel. The whole tribe, according to xviii. 1, is dependent on the fire-offerings of the Lord and his inheritance. In the fire-offerings Levites at a distance from the sanctuary can have no share. The question, therefore, is how much we can suppose to be covered by the expression "God's inheritance." Does it include the Levitical tithe, and a residence with right of pasture in a Levitical city? No one certainly could infer this from the text of Deuteronomy alone. On the contrary, one would naturally suppose that the vague word "his inheritance" is explained in what immediately follows, where we read that the *priest's* due from the people consists of the shoulder, cheeks, and maw of every sacrifice, with the first-fruits and the first of the fleece of sheep. In other words, the tribe of Levi is supported by dues paid to the priests at the sanctuary, and in these every Levite may share who takes a share in the priestly work. As the Levite, who is not engaged in priestly work and resident at the sanctuary, has no duties recognised in **D**, it is natural that he receives no emoluments. This explanation of what is meant by "God's inheritance" agrees with the idiom of **Q**; for there also the phrase is used of altar dues paid to the priest. It agrees, moreover, with Josh. xiii. 14, where the fire-offerings of the Lord are called Levi's inheritance (comp. verse 33),



and with Josh. xviii. 7, where the priesthood is called the inheritance of the Levites. But apart from the meaning of this expression, can it be supposed that **D** recognises the Levitical tithe and Levitical cities of **Q**? We find in xviii. 6, that the Levite who is not at the sanctuary is supposed to be sojourning in some city of Israel. The word which our translators render *sojourn* has a very precise sense; it means to live, not as a burgess but as a stranger (*Gêr*), under the protection of some person or community. That the word can be used of Levites residing in their own cities is asserted by Keil without an iota of evidence, and is absolutely excluded by the words of the text, which speak of the Levite as sojourning in *any* Hebrew town. Mr. Curtiss, therefore, has given up Keil's position, and refers the text only to such Levites as may have sold their houses and wandered to other places. But observe the absurdity in which this view lands us. If Mr. Curtiss is right the lawgiver gives no permission to a Levite to go straight from a Levitical city to the sanctuary. The service of the sanctuary is to be recruited only from *homeless* Levites. A Levite must become a sojourner before he becomes a priest. And while Moses in his last speech has much to say of the Levite priests in the sanctuary, and of the homeless Levites scattered through the land, he never in a single syllable alludes to the Levites who, though not priests, had homes and pastures assigned to them by law in the various corners of the land. Levites who are not in office as Levite priests appear in Deuteronomy only in one light. They are invariably spoken of as living "within the gates" or towns of the laity in a dependent condition, with a claim on charity like the *Gêr*, the orphan, and the widow (xii. 12, 18; xiv. 27, 29; xvi. 11, 14; xxvi. 11, *seq.*)

So much for the residence of the Levites, and now for the tithe. In Deut. xviii. we hear only of such provision for the Levites as is connected with the service of the altar. But the lawgiver is not without thought for the Levites who are scattered through the land, and do not share these revenues. He provides accordingly that when the people go up to feast



at the Sanctuary, the Levite that is within their gates shall have a share in the festivity (ch. xii.) This precept is particularly applied in chap. xvi. to Pentecost and the Feast of Tabernacles, on which occasions the people were to invite the Levite, the Gêr, the orphans, and the widows of their township to share their joy. For the supply of these festivities **D** makes a provision not known to **Q**. The Israelite with his family and dependents were to consume at the sanctuary the firstlings of the flock and herd, and the tithe of corn, wine, and oil (xiv. 23, xv. 20). The destination here given to the firstlings is directly contradictory to Num. xviii. 18, which, as we have seen, assigns them to the priest. It is in vain that harmonisers endeavour to give to the passage in Numbers the sense that only the breast and leg are to fall to the priest. The words are distinct. After the priest has sprinkled the blood and burned the fat, the flesh is to be his—as absolutely his as the breast and leg of a common sacrifice.\* This is the practice of the second temple, as we know it from Josephus and Jewish tradition. And there is another difference between **D** and **Q** on this point, which serves still further to show that the two laws are independent. According to Deut. xiv. 24, *scq.* the firstlings might be turned into money if the distance from the sanctuary was too great to allow them to be brought in kind, and any sort of food or drink might be bought with the price. But in Num. xviii. 17 it is forbidden to redeem any firstling fit for sacrifice.

Now with this difference in the law of firstlings, it ceases to be surprising that **D** and **Q** differ in the destination of the tithe, and that this offering, which in **Q** appeared as a kind of tribute payable to the Levites, is to be spent according to **D** on the sacred feasts at which the Levites were present merely as guests. But in this particular, old Jewish tradition, already expressed in Tobit i. 7, suggests a possible way of harmonising the two laws—namely, by supposing that two tithes

\* That the law of Deuteronomy modifies the provisions of Numbers is admitted by Oehler in Herzog's Encyc. xii. 181.



were paid by the Hebrews, one to the Levites according to **Q**, and the other to provide for sacrificial feasts according to **D**. If we adopt this view, however, it is very extraordinary that **Q**—originally a separate book—never mentions the tithe of **D**, and that **D**, also originally separate, never hints at the tithe of **Q**. And when we follow out everything that is said about tithing in Deuteronomy, we are forced to the conclusion that the author of **D** knew nothing of the other tithe. The language of Deut. xii. 6, 17, implies that this chapter does not institute a new kind of sacred offering, but only regulates previous usage by forbidding the tithe to be consumed at home. That the recognised purpose of the tithe is to furnish a sacred feast is taken for granted. But in Deut. xiv. 28, xxvi. 12, we find a further law of tithe, which is at the same time a further provision for the dispersed Levites and other dependents. Every third year is, according to Deut. xxvi. 12, the year of tithing in a special sense. In this year the whole tithe of his produce must be laid aside by the Israelite in his own township (within his gates) xiv. 28. It is not to be removed or paid away; but the Levite, the Gêr, the orphan, and the widow, have a right to come and eat it where it is stored (xxvi. 12). The Jewish tradition, which counts the tithes of **Q** and **D** as the first and second tithes respectively, calls this triennial tithe the *third* tithe; but it is generally agreed that, properly speaking, the law of Deuteronomy only prescribes that on every third year the destination of the tithe shall be changed. On the triennial tithe great weight is laid. It is expressly said that the *whole* tithe is to be stored, and after it has been consumed, the Hebrew is called upon to make a solemn profession before God that it has been properly spent, that he has fully carried out the divine command, and that the Levites and other claimants have had their share. Now if, in addition to this tithe, the Levite had a claim to another annual tribute, such as is prescribed in Numbers, it is quite incredible that the lawgiver should not name it in the same connection. Why exact of a man so solemn a profession that he has done the



least part of his duty to the Levite, and not add one word to remind him of a larger duty? The fact is, that Deuteronomy speaks only of two compulsory offerings in which the offerer himself had no share. These are the first-fruits and the triennial tithes. For both of these a solemn liturgy is provided in chapter xxvi. to enforce on the people their duty. And the original book of Deuteronomy, as we saw above (page 28), professes to lay before the laity their whole ordinary obligations under the law. Yet there is not one word of the Levitical tithe of **Q**.

The extreme difficulty which these facts lay upon the harmonisers may be estimated by the last desperate attempt of Mr. Curtiss, who admits that if the tithe of **Q** is consistent with Deuteronomy at all, it must, as far as the third year is concerned, be included in the "whole tithe" of xiv. 23, xxvi. 12. He supposes, therefore, that this "whole tithe" is a double tithe, of which the Levites first carried away the half according to the law of **Q**, leaving the other half to the needy. But this solution is absolutely inconsistent with the words of the text, which says distinctly (xxvi. 12, comp. xiv. 29) that the Levites, like the other claimants, are to eat the tithe in the township where it is stored, \* whereas the tithe of **Q** might be eaten by the Levites where they pleased, and in later times was stored at the temple.†

And now from these tedious particulars let us turn for a moment to consider how thoroughly consistent Deuteronomy is throughout, and how thoroughly clear and full its provisions appear to be when we take them by themselves. The Levites are a tribe set apart by God to the priestly office, and on this account receive no landed property. Those who are at the sanctuary in the discharge of their office are nourished by the altar dues. But in these revenues no Levite remote from the

\* In xxvi. 13, *brought away* of the English version should be *consumed*. The tithe is consumed by being eaten where it lies. Comp. ver. 14 (Heb.)

† I may note in a word a difference in language between **Q** and **D** confirmatory of these results. In **Q** the tithe is the people's *Teruma* (tribute). In **D** the *Teruma of thy hand* means not the tithe but the first-fruits.



sanctuary can share. He who is not doing priest's work has no official income. He belongs to the landless classes, and in an agricultural country is presumably poor. He has, therefore, a special claim on the kindness of the people in whose midst he sojourns, and has the first place among those whom the lawgiver makes the object of a systematic and divinely appointed charity. The observance of this charity is specially laid on the consciences of the people, but they are nowhere taught to pay to the Levites, by way of tribute, the liberal allowance prescribed in **Q**, which would have raised them above the need of charity.

This is an account of the position of Levi thoroughly complete and intelligible, and one, as we shall by and by see, which corresponds in a striking way with facts in the subsequent history. But the attempt to harmonise it with **Q** involves the assumption which Mr. Curtiss expresses very naively, "that sharpness and detail are especially wanting in Deuteronomy," and compels us at every turn to put upon words a meaning inconsistent with all analogy, and which no one could possibly dream of if he had Deuteronomy alone before him. Now, to say that Deuteronomy is an obscure and inexactly written book, or that it wants detail, is simply absurd. No book is clearer in style and expression, or fitter to be a manual of the law. And there are ample details of everything that the laity require to know, as is seen, for example, in the long list of clean and unclean animals (chap. xiv.), and in the minute provisions of the law of war (chaps. xx., xxi.) Is it credible that a legislator who repeats in detail, from the previous laws, such minor ordinances as we read from chap. xx. to chap. xxiv., should speak at great length about priests, and Levites, and tithes, and never mention the provisions of the other law if he recognised them as binding? And finally, it is to be remembered that some of the details in Deuteronomy are in explicit verbal contradiction with those in **Q**. We saw this in the case of the firstlings. But this is not the only point in which the priestly dues are differently determined in the two legislations.



In **Q** the breast and leg of ordinary sacrifices (peace offerings) fall to the priest. According to Deut. xviii. 3, the priest receives from them that offer a sacrifice (*zébach*) the shoulder, the two cheeks, and the maw. I will not go through all the suggestions that have been offered to harmonise this obvious contradiction. The only one which deserves a moment's notice is the traditional Jewish solution that the law of Deuteronomy does not apply to sacrifices proper, and that *zébach* here means an animal not sacrificed but slain for ordinary use. Now the word *zébach* occurs more than a hundred and fifty times in the Bible, and the only cases out of all these to which the latest defenders of the traditional view appeal as proving that the word ever means anything else than a sacrifice, are three figurative passages in the prophets, where it stands metaphorically of a divine act of judgment. On the strength of these metaphors, Mr. Curtiss argues that it is fair to take a word, which means *sacrifice* everywhere else, to denote in this one passage of Deuteronomy, not a slain beast in general, though that would be arbitrary enough, but any slain beast *except a sacrifice*. In short, the laws of **D** and **Q** cannot be harmonised except by ascribing to the decisive word in Deut. xviii. a sense directly contradictory to that which it has in all other passages. Such a way of interpreting Scripture is worthy of the Jewish scribes, its inventors; and the exaction which it put upon the people, by suffering the priest to claim a share of every slain beast, is a fair sample of the heavy burdens which they laid on men's shoulders; but it is not with such aid and by such defenders that the Christian Church can desire to vindicate the excellence of God's Word.

There is much more that might be said upon the discrepancies of **Q** and **D**, but I conceive that I have advanced enough to prove that on the matter of priests and Levites the two codes present distinct systems of law, which could not be enunciated by one lawgiver to be observed contemporaneously. Each system, taken by itself, is clear and self-consistent, but to harmonise the two is impossible, except by substituting



Rabbinical quirks for the laws of grammatical exegesis. It is of course impossible to imagine two laws which could not be harmonised by such assumptions as we have had occasion to mention; but harmony so gained is purchased by surrendering the plain meaning of words, and by reducing the simplest statements to a chaos of unintelligibility, from which no meaning can be drawn without the aid of authoritative tradition or arbitrary conjecture. Such a system of interpretation stands self-refuted; and till the defenders of the unity of the Pentateuchal law can put something better in its place, no Church which values the Word of God for its wisdom, its perspicuity, and its divine perfection, will commit itself to them as the sole upholders of orthodoxy.

In my Encyclopædia article I do not undertake to say whether **Q** or **D** gives the earlier form of the law. Nor in our argument hitherto have we found anything to determine this point. The observances of the later Jews, from the time of Ezra downwards, are known to have agreed mainly with the law of **Q**. But this does not settle the question; for it is conceivable that the elaborate rules of Leviticus and Numbers, or at the least the main features thereof, were planned by Moses; that, owing to circumstances, the system was never thoroughly put in force, or after a time dropped out of use; that **D** was then given as a simpler code to take its place; and that after the captivity it was found practicable to revert to the original and more complicated system. But on this view we must at least suppose that the distinctive ordinances of **Q** had fallen into desuetude when **D** was written. Deuteronomy does not enact the abolition of a previously existing barrier between the priesthood and the Levites, but everywhere assumes as a matter of course that the Levite in office is a priest supported by priestly dues, and that Levites out of office are sojourners dispersed through the land and possessing a claim on charity. And, in like manner, it is taken for granted that the people are accustomed to consume the tithe and the firstlings in sacrificial feasts; and the special enactment made is that such feasts must be confined to the sanc-



tuary and shared with needy dependents, and that in every third year the tithe shall form a store for charity. In these points the law of Deuteronomy appears as sanctioning and regulating prevalent customs inconsistent with **Q**. And therefore if the substance of **Q** is Mosaic, Deuteronomy cannot have been written till a very considerable time after Moses.

This being the state of the question as it appears by examination of the Pentateuch alone, it becomes most important to look at the history of Israel within the Land of Promise. If we can find evidence that during part of that history the law of **Q** was out of use, and current practice agreed with what is taken for granted in **D**, the critical argument will receive confirmation of the most important kind, and we may find materials for determining more exactly the date of each code.

On the subject of the priestly dues the historical notices are scanty; but they show that established custom on this point was fluctuating, and by no means corresponded with **Q**. In the time of Eli, the recognised right of the priest in case of a sacrifice was to thrust a fork into the pot and take what came up.\* Again, at the time of Jehoiada, the dues seem to have been paid in money; and it is quite against the law of **Q** that a money payment was taken instead of the sin and trespass offering (2 Kings xii. 16).†

To the tithe there is a single allusion before the Exile in Amos iv. 4, in such association with sacrifices and voluntary offerings as seems to indicate a state of things analogous to

\* 2 Sam. ii. 13. The correct sense of this passage is expressed by the Greek and Syriac versions. In the Hebrew text a letter has been dropped (an initial *m* after a final one) which obscures but does not change the meaning. The phrase in the original text was the same as in Deut. xviii. 3, "the priest's due from the people." See Wellhausen on the passage. It was by going beyond this rule that the sons of Eli offended, especially by exacting a share in the sacrifice before offering the fat on the altar.

† By comparison of Hosea iv. 8, Amos ii. 8, it may be gathered that this practice prevailed in Ephraim also. It was doubtless connected with the judicial functions of the priests recognised in Deut. xvii. 9. Deuteronomy does not mention sin and trespass offerings.



the custom presupposed in Deuteronomy. In the prophecy about Eli's house, 1 Sam. ii. 36, it appears that a priest who had no office was in danger of starving, which would not be the case if the tithe of **Q** was recognised. In 2 Chron. xxxi. we find the account of a tithe collected by Hezekiah for the priests and Levites. The details do not agree strictly either with **Q** or with **D**, and the thing appears to have been quite exceptional in character. It is noteworthy that the edict to bring in the tithe was issued only to the people of Jerusalem, which seems to point to the triennial tithe of Deuteronomy stored within each township. The other cities joined voluntarily and brought the tithe of cattle, which is mentioned neither in Deuteronomy nor in Numbers, but only in Lev. xxvii.

The next point is the residence of the Levites. The cities assigned to them are enumerated in Josh. xxi. But some of these cities remained in the hands of the old inhabitants, and cannot have been occupied by the Levites.\* And there is good reason to doubt if they took actual possession even of all the others. The sons of Aaron could not have occupied thirteen cities in the time of Joshua. The only Levites mentioned in the book of Judges appear in accordance with **D** as sojourners in Bethlehem, in the remoter parts of Mount Ephraim, or wherever they could find a place (Jud. xvii. 7, xix. 1). In 1 Sam. vi. 15, we find Levites in the priestly city of Bethshemesh. Abiathar had fields in Anathoth (1 Kings ii. 26) and Jeremiah was one of the priests of Anathoth. These, I think, are the only definite references to the cities of Josh. xxi., as actually inhabited before the Exile by those to whom they were assigned. And it hardly appears that these cities were occupied according to the law of **Q**. Abiathar's original city, the priestly city *par excellence*, in the time of Saul, was Nob, which is not one of the 48 cities named in Joshua. And though the law gives the Levites and priests a right of common round their cities, this pasture ground was inalienable (Lev. xxv. 34), so that the possession of fields at

\* Gezer remained unconquered till the time of Solomon, 1 Kings ix. 16. And Taanach, Nahalal, are mentioned as unconquered cities in Jud. i.



Anathoth by Abiathar, and the sale of such a field to Jeremiah by his cousin (Jer. xxxii. 7), are against the Pentateuchal ordinance. The Chronicler certainly twice speaks in a general way of the Levites as actually resident in their cities and pastures (1 Chr. xiii. 2, 2 Chr. xi. 14). But it is doubtful whether these references imply that the provisions of **Q** had been fully carried out. And it is plain from the latter passage that from the time of Jeroboam downward there were no cities for common Levites (Comp. 1 Kings xii. 31). For the Levites did not retain their cities in the Northern Kingdom, and those in the Southern Kingdom were all destined in Josh. xxi. to the sons of Aaron (Comp. 2 Chr. xxxi. 19). Thus the history fully bears out the inference which the critical interpretation drew from **D**, that for a long time the Levites, except so far as they had priest's work at the central sanctuary, were sojourners scattered through the land. So the prophecy of Jacob was fulfilled: "I will divide them in Jacob; and scatter them in Israel" (Gen. xlix. 7).

We have still to consider what light the history throws on the line of distinction between priests and Levites.

We have already seen (page 31, note) that the history agrees with Deuteronomy in making it a function of the priests to bear the ark, the one exception being in 1 Chron. xv.

In the period of the Judges we have clear proof that the law of **Q** was not in force. Samuel, though not sprung from Aaron, was from his childhood a priest, even wearing the ephod, which was the instrument of the sacred lot, and is confined in **Q** to the high priest (*supra*, p. 33). So all the priests of Nob wore the ephod (1 Sam. xxii. 18), and even David, on a great occasion, wore this vestment, offered sacrifices as a priest before the Lord, and blessed the people in the name of Jehovah (2 Sam. vi. 14, 18). Moreover the sons of David were priests, as the Hebrew of 2 Sam. viii. 18 unambiguously declares. These facts, be it observed, do not imply mere temporary deflection from the law of **Q** under the pressure of circumstances. They refer to the stated customs of the chief family of priests and the court of the king after God's heart;



and therefore they are unambiguous proof that the strict Levitical law had at that time no recognition. But the most remarkable evidence from this period refers to David's chief priests, Zadok and Abiathar. Abiathar was the descendant of Eli, and his removal from the priesthood, in which he was succeeded by Zadok, is recognised in 1 Kings ii. 27, as the fulfilment of the prophecy against Eli's house. What now is this prophecy as contained in 1 Sam. ii. 27-36? It declares that Eli's father's house or clan received God's revelation in Egypt with the promise of everlasting priesthood; that this promise is to be withdrawn; that calamity shall overtake the house and clan of Eli; but that God will raise up a faithful priest to whose family the priesthood shall be confirmed, the descendants of Eli sinking into subordinate posts, which they are glad to hold for the sake of a morsel of bread.

To understand this passage, we must observe that *priest* here, as often in the Old Testament, stands for *high priest*. Although the promise of everlasting priesthood made to Eli's house and clan is cancelled, his descendants continue to occupy priestly office in a lower sense. The sense therefore is that the high priesthood is to be taken from the family of Eli, and not only so, but from the house or clan of Eli's father, whom God chose as high priest at the time of the Exodus (ver. 28). Zadok, therefore, in whom the prophecy was fulfilled, cannot have been a member of the house of Aaron. He was no doubt a Levite (comp. 2 Sam. xv. 24), but he was not of the seed of Aaron. This conclusion seems indeed to be inconsistent with 1 Chron. vi. 50-53, where Zadok's descent is traced to Aaron and Eleazar, so that he appears as continuing the rightful line of high priests; while Abiathar's son, Ahimelech (though curiously enough not Abiathar himself) is represented as the head of the line of Ithamar, Aaron's younger son (1 Chron. xxiv. 3, 6). It is quite plain, however, that the genealogical statement in Chronicles does not express natural descent. The prophecy in Samuel is explicit in saying that Eli's house held the priesthood by divine promise from the beginning. Eli therefore, and his descend-



ant Abiathar, were unquestionably sprung of Aaron through Eleazar and his son Phinehas, to whom was given the very promise of everlasting priesthood, quoted and cancelled in Samuel (Num. xxv. 13). Accordingly the explanation of the statement in Chronicles can only be sought in the well known fact that classifications, not exclusively based on natural descent, are often put into genealogical form. The Genealogies of Chronicles are properly a systematic exposition of the organisation and subdivisions of the nation, and a man's place in the genealogy depended on his place in the organisation of the theocracy, which generally, indeed, but not always, depended on his natural descent. Not only in the Bible, but among all Semites, a guild is represented as a family, and sonship is the ordinary expression for *membership* of a guild. Thus in the time of the Chronicler, sons of Eleazar and Ithamar respectively would mean no more than the higher and lower guild of priests, and Abiathar's descendants are by him reckoned to the latter, because they lost the high priesthood; whereas Zadok, becoming high priest, is reckoned in the later genealogies as a son of Eleazar. But the adoption of this classification by an author who lived many centuries later, and had to adapt his expressions to the usage of his own day, cannot go to disprove the clear evidence of the earlier books, that Zadok was not of the house of Aaron by natural descent.\*

I now pass to the testimony of Ezekiel, that in his time the Levites were not excluded from priestly office. The last chapters of Ezekiel's book, following on the prophecy of Israel's restoration, give a sketch of the ordinances of the new theocracy. Here we read, xlv. 6:—

O house of Israel! Have done with all your abominations, (7) in that ye bring in foreigners uncircumcised in heart and flesh to be in

\* The explanation given above of the expression "sons of Ithamar" in post-Exile writings, is confirmed by the fact that no genealogical line is given to connect Abiathar with Ithamar. Moreover, Ahimelech the son of Abiathar, on whom alone depends the common doctrine that Eli was a high priest of the line of Ithamar, appears to owe his existence simply to an error in the Hebrew text of 2 Sam. viii. 17. See Wellhausen on the passage.



my sanctuary, polluting my house, when ye offer my bread, the fat, and the blood ; and so *ye* break my covenant in addition to all your abominations, (8) and keep not the charge of my holy things, but appoint them as keepers of my charge in my sanctuary. *Therefore*, (9) thus saith the Lord, no foreigner uncircumcised in heart and flesh shall enter my sanctuary—no foreigner whatever, who is among the children of Israel. (10) But the Levites, because they departed from me when Israel went astray, when they went astray from me after their idols ; even they shall bear their guilt, (11) and be ministers in my sanctuary, officers at the gates of the house, and ministers of the house : it is they who shall kill the burnt-offering and the sacrifice for the people, and it is they who shall stand before them to minister unto them. (12) Because they ministered unto them before their idols, and were a stumbling-block of guilt to the house of Israel, therefore, I swear concerning them, saith the Lord God, that they shall bear their guilt, (13) and shall not draw near to me to do the office of a priest to me, or to touch any of my holy things—the most holy things ; but they shall bear their shame and their abominations which they have done. (14) And I will make them keepers of the charge of the house for all the service thereof, and for all that is to be done about it. (15) But the Levite priests, the sons of Zadok, who kept the charge of my sanctuary when the Children of Israel went astray from me—they shall come near unto me to minister unto me, and they shall stand before me to offer unto me the fat and the blood, saith the Lord God. They shall enter into my sanctuary and approach my table, ministering unto me, and keep my charge.\*

The meaning of this passage plainly is, that the exclusion of the Levites from the priesthood is a punishment for their sins now decreed by prophetic authority. Up to Ezekiel's time, therefore, the Levites had ranked as priests ; but henceforth the priesthood is limited to the house of Zadok, and the Levites are condemned to lower services, which in Ezekiel's time were allowed to fall into the hands of foreigners, uncircumcised in heart and uncircumcised in flesh. Singular as this last statement may appear it is confirmed by the history. We know that the royal bodyguard, organised by David, consisted of foreigners—Philistines, Cretans, and Carians (2 Sam.

\* In verse 7 I read *ye* (marked with italics) following the Greek Syriac and Vulgate. The Hebrew has *they*. So at the end of verse 8 I have with the Greek changed one letter, and render *Therefore* instead of *for yourselves*. But if any one prefers the received text the general sense is not changed. The Greek also omits the first clause of verse 8.



xv. 18, xx. 23, Heb.) The bodyguard attended the kings of Judah in the temple (1 Kings xiv. 28), and in the time of Jehoiada (2 Kings xi.) they were guards of the temple as well as of the palace, and were armed on occasion from the temple armoury. At this time, as we learn from 2 Kings xi. 4, 19, the Carians still formed part of the force.\* It is not probable that the constitution of the bodyguard was changed afterwards, for in Zephaniah i. 8, 9 we still find associated with the court men clad in foreign dress, and men who leap on the threshold, that is Philistines (1 Sam. v. 5), who fill the house of their master with violence and deceit—a description very suitable to an Oriental bodyguard. This palace and temple guard of foreigners is what Ezekiel doubtless refers to. Their functions were in fact so nearly Levitical that the Chronicler in his account of Jehoiada's revolution calls them Levites.†

This digression into the history of the royal bodyguard makes Ezekiel's command quite intelligible. It shows, too, how futile is the ordinary interpretation, according to which the Levites, deprived of the priesthood, are the priests of the house of Ithamar. Ezekiel does not say that certain sons of Aaron are to be degraded, and become common Levites, but that the Levites are to be degraded to do functions which formerly belonged to the people themselves, or were by them entrusted in a godless way to foreigners (comp. Lev. i. 5, 6,

\* The former verse should run "Jehoiada sent and fetched the captains over hundreds of the Carians, and of the guard."

† There is, I think, good ground for supposing that the slaughtering of sacrifices, which Ezekiel expressly assigns in future to the Levites, was formerly the work of the guards. It was the king who provided the ordinary temple sacrifices (2 Chron. viii. 13, xxxi. 3; Ezek. xlv. 17), and there can be little doubt that the animals killed for the royal table were usually offered as peace offerings at the temple (Deut. xii. 21). In Saul's time, at least, an unclean person could not sit at the royal table, which implies that the food was sacrificial (1 Sam. xx. 26; Lev. vii. 20; Deut. xii. 22). Now the Hebrew name for "captain of the guard" is "chief slaughterer" (*rab hattabbâchîm*)—an expression which, so far as one can judge from the Syriac and Arabic as well as the Hebrew, can only mean slaughterer of cattle. So the bodyguard were also the royal butchers, an occupation not deemed unworthy of warriors in early times. Comp. Eurip. *Electra* 815. *Odys.* A. 108.



where it is assumed that every man kills his own sacrifice). And the Levites on whom this punishment falls are, as appears from the subsequent reference in xlvi. 11-13, the whole tribe except the sons of Zadok. Besides, it appears, from our discussion on Zadok and Abiathar, that sons of Zadok and sons of Ithamar would not form a correct disjunction, and that the former expression naturally means the whole guild of temple priests, of which Zadok was head and founder. And, finally, on our interpretation the command of God to Ezekiel was fulfilled under the second temple; but the sons of Ithamar continued to be priests after the Exile. But to complete the argument, we must turn back once more to the Book of Kings, where we learn some details as to the offence for which the Levites were punished. When Josiah destroyed the high places, about half a century before Ezekiel wrote, he brought their priests to Jerusalem (2 Kings xxiii. 8). But it is specially observed that these priests were not allowed to officiate at the altar; only they ate unleavened bread, *i. e.*, shared in the meat offering which belongs to the priests alone (Num. xviii. 9), in the midst of their brethren.\* In other words, it was recognised that the priests of the high places were real priests, with a claim to share the priestly dues though they were not allowed to officiate. We cannot imagine that all these priests were sons of Aaron, but, as Ezekiel tells us, they were Levites, and so we have another proof that at this time it was recognised, just as in Deuteronomy, that Levites are essentially priests, and when they are at the sanctuary have a right to share the priestly dues.†

Against all this evidence I believe only one text can be drawn from the earlier historical books. In 1 Kings viii. 4, we read of the priests and the Levites as if they were distinct. But the Greek text, which is of value in this part of the

\* In Num. xviii. 9 and Ezek. xlii. 13, this meat offering is reckoned among the *most holy things*. Now in Ezek. xli. 13, the Levites are sentenced no longer to touch the most holy things. In other words the usage of Josiah's time is cancelled by the prophet.

† We learn from 2 Kings xxiii. 20, that the priests of the Northern high places, who were not Levites (1 Kings xii. 31), were put to death by Josiah.



Bible, omits the Levites, and the Book of Chronicles, copying the verse, has the priests, the Levites, *i. e.*, the Levite-priests. If this reading is adopted we have a fresh confirmation of the priesthood of the tribe of Levi in the time of the Kings, to which may be added Jeremiah xxxiii. 18, and especially Isa. lxvi. 21, where it is predicted that God will take of the Gentiles for priests for Levites, *i. e.*, for priests even for Levites.

When all these facts are viewed together they give remarkable confirmation to our interpretation of the Deuteronomic laws. We found that, on a natural rendering, these laws are not only inconsistent with **Q**, but imply that a state of things at variance with the law of **Q**, was actually existent when **D** was written. It now appears that such a state of things did exist in Israel, and that not merely in times of lawlessness, but under the Davidic kings. Before the building of the Temple we even find priestly functions performed by persons who were not Levites. But the principle that Levi is the legitimate possessor of priesthood was recognised; for it is recorded as a special offence in Jeroboam that he departed from it and made all sorts of people priests (1 Kings xii. 31). On the other hand, up to the time of Ezekiel, the priesthood belonged to Levi as a tribe, and not to a single family. These facts are in no way inconsistent with the pre-eminence of one high-priestly family, or with the choice of Aaron as priest *per excellence*, or head of the whole priesthood and custodian of the sanctuary of the ark. The whole point of the argument is, that before the reformation of Josiah all Levites were admitted to do sacrifice, and that even after that time they were viewed as true priests with a right to share the altar dues.

At this point I might not unreasonably close my defence. Until the facts now before us are refuted, the Church cannot venture to affirm as a point of orthodoxy that the whole Pentateuchal law was given by Moses, and contains no contradictory provisions. It appears, as the argument now stands, that either in **Q** or else in **D**, there are laws which, though ascribed to Moses, were not given by him, but form a later



development of the legislation. This is enough to make good my general position, and if so much is conceded, no one is likely to make it a question of orthodoxy which particular parts of the Pentateuch are post-Mosaic. If Deuteronomy is the work of Moses, the hierarchical system of **Q** is of later date even in its main distinctive principles. Or on the other hand, if the main outlines of the legislation in **Q** are substantially Mosaic, and fell out of recognition in the times of anarchy under the judges, the book of Deuteronomy is correspondingly late. In either case some expressions in the Pentateuch cannot be taken as strict history, but are merely a parabolic vehicle for legal ideas. To those who are not familiar with the full force of the exegetical and historical facts on which it rests this conclusion has not unnaturally seemed startling and dangerous—not because parable and figure are an unfit vehicle for sacred teaching, but because their use in such a connection seems to render uncertain the outlines of the history of Redemption under the old dispensation. But on the one hand it will be found, that in the actual scholarly analysis of the Pentateuch it is not so difficult as it might at first sight appear to separate the purely historical from the legally parabolic elements of the narrative; and that even where exact separation is unattainable with our present knowledge, no interest of faith is touched by this uncertainty. And on the other hand, we must remember, what has been so well enforced by Butler, that “after all, that which is true must be admitted, though it should show us the shortness of our faculties, and that we are in no wise judges of many things of which we are apt to think ourselves very competent ones. . . . As we are in no sort judges beforehand, by what laws or rules, in what degree or by what means it were to have been expected that God would naturally instruct us; so upon supposition of his affording us light and instruction by revelation, additional to what he has afforded us by reason and experience, we are in no sort judges by what methods and in what proportion it were to be expected that this supernatural light and instruction would be afforded us.



. . . And thus we see that the only question concerning the truth of Christianity is whether it be a real revelation, not whether it be attended with every circumstance which we should have looked for: and concerning the authority of Scripture, whether it be what it claims to be—not whether it be a book of such a sort, and so promulged as weak men are apt to fancy a book containing a divine revelation should.” (*Analogy*, Pt. II. ch. iii.)

In contending for freedom of critical enquiry with regard to the composition of the Pentateuch, I ask no more than is covered by these weighty sentences of Butler. The Church is not asked to give official approbation to any critical conclusion. It is not her part to decide questions that are not of faith, or to pronounce an opinion on the results of historical investigation. But no Church can safely forbid her members to acknowledge and to reason upon facts lying within the Scriptures, and elicited by the ordinary methods of grammatico-historical exegesis. Such facts cannot be dangerous to faith even if they appear to be inconsistent with current ideas, and to call for some revision of our way of looking at the Biblical books. And it does no honour to the Word of God to insist that scholars within the Church shall rather leave difficulties unsolved than attempt to remove them by constructive criticism. It is often said that because criticism cannot profess to give a complete account of the origin of the Pentateuch, free from all hypothetical and uncertain elements, it has no right to attack traditional opinions as inconsistent with the facts of the case. But all facts relating to the Bible ought to be brought out by those who have Biblical studies for their special vocation. And if men are to study the facts it is useless to ask them to abstain from drawing inferences, and from the attempt to account for the facts in the most probable way, even where absolute certainty cannot be attained. No doubt many mistakes have been made, and will continue to be made in the region of Old Testament criticism, and the Church has a right to expect that men shall carefully distinguish their own private



views and conjectures in matters of historical enquiry from the teaching of the Church in matters of faith. But no Protestant Church can undertake to repress the formation and expression of private opinions, and no man is fit to bear office in such a Church who would consent to surrender the Christian's inalienable right to enquire to the best of his ability into every part of the Word of God, and every problem of Biblical scholarship.

In the exercise of this right I have been led not only to admit the force of the critical argument against the traditional view that all the Pentateuchal laws are of Mosaic date, but to accept the opinion that the Book of Deuteronomy is one of the later parts of the Torah. This is a private opinion, which I have no desire to press upon others, further than they are satisfied by the historical evidence in its favour, and which I shall of course be ready to modify if sufficient evidence is adduced. It is an opinion which presents no additional theological difficulty, if it is once admitted that all parts of the Torah cannot be literally Mosaic, and which the Church can hardly refuse to tolerate, unless she is prepared in the face of the evidence already adduced to make it a point of faith that Moses gave all the Pentateuchal laws. But since the Libel makes a special point of my views of Deuteronomy, it may be well to give a sketch of some of the grounds on which they rest.

The Deuteronomic code is represented in chaps. v. 1 *seq.* vi. 1 *seq.* and in the subscription xxix. 1, as a renewal of the covenant made with the people at Horeb, and a repetition of the commandments then laid upon them.

Now the part of the Pentateuch which contains the original Sinaitic Covenant is, as we have already seen, the document **S** embracing Exod. xx.-xxiii; and when we speak of **D** as a repetition of the Law, we must remember that it does not profess to repeat any other law than that of **S**, to which the people were solemnly pledged at Sinai. Between **S** and **D** a very intimate relation subsists. The opening



paragraphs of the latter (ch. v.) are a reproduction of Ex. xx. 1-21; and the detailed ordinances which begin with Dent. xii. 1 take up almost every point contained in Ex. xx. 23—xxiii. 19, omitting only the list of compensations to be paid for various injuries, Ex. xxi. 18—xxii. 15. The reproduction of the law in **D** is at the same time a development and expansion. Thus in Exod. xxi. 12-14, we find a short law stating that the wilful murderer must be taken from God's altar to be slain, and that God will appoint an asylum for him who has slain a man by accident. In Dent. xix. 1-13, this is developed into a full law of murder and manslaughter, and the asylum is provided in the form of cities of refuge. Again, the holiness of the people is mentioned in **S** only in xxii. 31, as the reason for not eating flesh torn of beasts in the field. In **D** the principle of ceremonial holiness is largely extended (xiv. 1-21), and a long list of forbidden foods is given. Besides expanding and developing, Deuteronomy often introduces changes on the provisions of **S**. Of this we had examples above, p. 17. Another case is that of the firstlings, which, according to Exod. xxii. 30, must be given to God on the eighth day, but in Dent. xii. 17*f*; xv. 19*f*, are to be eaten at the Sanctuary at the annual feasts. The comparison of such parallel laws offers the most obvious test whether Moses can be viewed as the author of **D**. In the first place, it is fair to ask whether the language of the two books is consistent with the idea that both are Mosaic, or even that both were written within forty years. The answer to this question can hardly be a decided affirmative; but as arguments from style are admittedly difficult and often precarious, it will be safer to confine ourselves to a second question, viz., whether the modifications made on the laws of **S**, when they reappear in **D**, are consistent with the idea that both are Mosaic.

In looking at this question we may begin with some cases which, though not quite decisive in themselves, seem at least to point to the conclusion that a considerable interval of time and considerable changes in social life lie between



**S** and **D**. The laws as to the manumission of slaves form a case in point (Exod. xxi. 2-11, Deut. xv. 12-18, comp. xxi. 10-14). Both laws are written for the land of Canaan, as appears from the reference to door and doorpost. In the law of **S** maidservants are exempted from manumission, in **D** they are to be treated exactly as menservants. If both laws were given in the wilderness for a time of future settlement in Canaan, this variation appears arbitrary. The explanation, however, is clearly indicated in **S**, where verses 8 *seq.* show that that law is calculated for a state of society in which a Hebrew girl was ordinarily bought to be the wife of her master or his son. This simple and primitive state of things had doubtless passed away before Deuteronomy was written, and it was necessary in the interests of humanity to modify the old law. Again, in Exod. xxii. 16, 17, he who seduces a virgin is obliged to buy her of her father as his wife, or if the father refuse he is to pay the same dowry as if he had married her a virgin. We have here an example—quite parallel to the law last quoted—of a state of society well known to students of antiquity. The father has a pecuniary interest in his daughter's virginity, because he expects to receive a dowry or rather purchase price (*móhar*—exactly equivalent to the Homeric *ξόνα*) from the suitor in exchange for her hand. The seduction frustrates this hope (comp. *Odyssey* viii. 318), and the seducer must therefore make good the injury to the father as well as to the damsel. In accordance with this point of view, the law of **S** stands at the close of a list of cases of pecuniary compensations for injury to property, and not among the laws as to personal injury. In Deut. xxii. 28 we find a parallel law—not among laws of property, but among laws as to purity. The case contemplated is not that of seduction, but of violence to a maiden. It is still provided that the offender shall marry the damsel and pay a sum to the father; but the expression "*móhar* of virgins" has disappeared, and the compensation is fixed at fifty shekels. Apparently the custom of paying a dowry to the



father in every case of marriage is no longer known, and therefore, though the fine is retained, it cannot, as in **S**, be estimated by usual practice as to the dowry of virgins, but requires to be fixed by law. When this important change in marriage customs took place we cannot say with precision. In the time of Saul the payment of a *môhar* was still usual (1 Sam. xviii. 25); but the book of Kings has a technical word for dowry given by the father to his daughter (*shillûchîm*, 1 Kings ix. 16, literally "dismissal gift"), which implies a reversal of the old custom. In the post-Biblical Jewish law the dowry was settled on the wife, as well as the paraphernalia which she brought from her father's house.

From these minor cases I pass at once to the great central difference between **S** and **D**. In both codes the details of the legislation open with a law respecting the worship of God (Exod. xx. 22-26, Deut. xii.) In **S** the argument runs thus—The God who has spoken to Israel from heaven must not be worshipped by images. But the dispensation was not so advanced as to permit of worship in all places alike, without a visible sign of the meeting place of heaven and earth, and a visible expression of Israel's service. An altar therefore is requisite; but it must be built, with all simplicity, of earth or unhewn stone. On such an altar the people shall offer their sacrifices, and to such worship the promise is attached: "In all the places where I set a memorial of my name I will come unto thee and bless thee." It appears then that it is not legitimate to sacrifice everywhere indiscriminately. God designates as the points at which he will hold tryst with the people only those places where he has set a memorial of his name, *i.e.*, of his revealed qualities. This idea is clearly illustrated by the history of the patriarchs, who were wont to build an altar where God had appeared to them (Gen. xii. 7, xxvi. 24f., xxxv. 7). The doctrine that God marks out his own holy places by some revealing manifestation continues to receive illustration from the later history. Gideon's altar at Ophrah was erected where the angel met him (Jud. vi. 24). Saul's first altar commemorated the great victory



at Michmash (1 Sam. xiv. 35), and in like manner David's altar on the threshing floor of Araunah occupied the spot where the hand of the destroying angel was stayed (2 Sam. xxiv. 18). It appears from the words used that God may legitimately be worshipped by sacrifice at all altars erected in conformity with this command. It is not said that by placing a memorial of his name at a new place God withdraws legitimation from previously erected altars. On the contrary, God meets with his people *in all places*\* (collectively) where he has put a memorial of his name. This law has greatly perplexed those who hold that from the beginning of the Mosaic dispensation sacrifice was limited to a single central altar. For the altar of burnt-offering, which on this view superseded the altars of earth or stone, was erected only nine months later. In the interval we read of one occasion on which an altar was erected by Moses and sacrifices offered upon it (Ex. xxiv. 4). But Moses had built an altar before (Exod. xvii. 15), and the present law is not addressed to him for his guidance on one occasion and in one place, but to Israel at large on all occasions of worship and in "*all places* where the Lord sets a memorial of his name." So general a law cannot be limited to a few months during which the people were resident at Sinai, and so confined to one place of divine manifestation. Moreover, the connection between the precept and the prohibition of idolatry, the place which it holds, immediately after the promulgation of the Decalogue, at the head of the Sinaitic ordinances, and the fulness of detail with which directions are given for the construction of altars of stone instead of earth (ver. 25), if the people choose the former material, combine to show that we have in the passage a fundamental law of

\* One of my critics, Mr. James Kennedy, has discovered that the correct translation of the Hebrew phrase in ver. 24 is, "in the place—wherever it may be." Applying this new grammatical light to Jer. iv. 29, we should have to render, "the city—wherever it may be—is forsaken, and no man dwells in them." The idiom over which Mr. Kennedy has stumbled is sufficiently common. Exod. i. 22, Deut. iv. 3, 1 Sam. iii. 17. See Ewald's *Lehrbuch*, 290 c., and Hitzig on Jer. iv. 29.



the new theocracy and no mere temporary ordinance. Accordingly Keil admits that the law includes not only the seats of the central sanctuary, as Sinai, Shiloh, and Jerusalem, but also "the places where, at the command of the Lord or in consequence of theophanies, altars were built in an extraordinary way and sacrifices offered upon them—for example, Ebal, Jos. viii. 30; Ophra, Judges vi. 25, etc." This is undoubtedly correct. Only if no sanctuary can be consecrated except by divine choice and divine manifestation (a principle which applies to Sinai, Shiloh, and Jerusalem as strictly as to Ebal or Ophra),\* it is plain that according to this law the one class of altar is no more "extraordinary" than the other, and there is no reason why the one and not the other should retain a *permanent* consecration. Indeed, if we look at the matter strictly, the class of sanctuaries which this law contemplates, and at all of which the people are permitted to offer peace offerings and burnt sacrifice, and look for God's presence and blessing, is a class distinct from the sanctuary of the ark, which is rather itself exceptional and extraordinary. For though the frame of the brazen altar was presumably filled up with earth or stones, the last verse of our ordinance, which forbids the altar to be ascended by steps "lest thy nakedness be uncovered upon it," did not apply to the brazen altar of the tabernacle, which was five feet high, or to Solomon's altar, the height of which was ten cubits. Altars of this size were necessarily approached by some kind of steps or ascent, so that Aaron is described in Lev. ix. 22 as *descending* from the altar, while Ezekiel's altar is expressly said to have steps (Ezek. xliii. 17, *ma'alót*, the very word used in Exodus xx. 26). In fact, the use of steps was quite unobjectionable in connection with an altar at which none but priests were allowed to minister; for in the case of priests the risk of exposure of the person to the altar was met in another way, viz., by the ordinance that when approaching

\* Compare, for Shilo, Jerem. vii. 12, and for Jerusalem, 1 Kings viii. 11.



the altar they should wear linen breeches, Ex. xxviii. 48. In a word, the whole law of Exodus xx. is directed to the people at large, and lays down regulations under which the Israelites as a nation are permitted to approach God in the exercise of their national privilege as a kingdom of priests (Exod. xix. 6). This privilege, and the laws by which it was regulated, were not necessarily superseded by the establishment of a special altar before the ark with a special priesthood and ritual; and we shall by and by see that, as matter of history, the law of **S** long continued in force, and that the right of the people to sacrifice at local altars was recognised and exercised without derogation to the rights of the Aaronic priests, who were appointed to maintain a stated service of God at the central sanctuary.\* Meanwhile, and before we turn to the corresponding legislation in **D**), let us observe that the principle of plurality of altars is tacitly assumed in other parts of **S**. The clearest passage is Exod. xxii. 30, where it is provided that the firstlings of oxen and sheep shall be given to God—*i.e.*, offered in sacrifice, on the eighth day from their birth. This could not have been done if sacrifice was legitimate only at one sanctuary; and, in fact, Deuteronomy, which abolishes the local altars, changes the law and appoints only that the firstlings be eaten *year by year* in the sanctuary, that no work must be done with the firstling of a bullock, and that

\* The important distinction between the altars of Ex. xx. which are approached by laymen in their ordinary dress, and the brazen altar approached by priests protected against exposure by their special costume was not understood by the later Jews, and consequently it was held that the prohibition of steps (*ma'alôt*) did not prevent the use of an ascent of some other kind—as for example a sloping bridge or mound [See the Targum of Jonathan on our passage, and also Rashi's Commentary]. In the Second Temple, the altar was a vast platform of unhewn stone approached by a sloping ascent (Joseph. *B.J.*, Lib. v., cap. 5, § 6) (Mishna, *Zebachim* v., *Tamid* i. 4). But the expression *ma'alôt* seems to cover all kinds of ascent, and the risk of exposing the person *to the altar* would be unaffected by the nature of the ascent. In fact with a large altar the priest could not put the blood of a victim on the four horns without standing and walking on the altar (*Zebachim* l. c.) which is clearly against the spirit of Exod. xx., except on the understanding that that law does not apply to priests appropriated clad for the office.



a firstling sheep must not be shorn (Deut. xv. 19 *seq.*) Another indication of the plurality of sanctuaries appears in the law of asylum, Exod. xxi. 12-14, where the principle that the right of asylum does not extend to wilful murderers is expressed by saying that such criminals must be taken *from the altar* to die. In other words, the altar is the asylum; and this agrees with the fact that several of the cities of refuge are known to have been ancient holy places. (Hebron, Gen. xii. 8; Shechem, Gen. xxxiii. 20; Ramoth-Gilead or Mizpah, Gen. xxxi. 54; Jud. xi. 11.) And Josh. xx. 7 says that the cities of refuge were "sanctified."

In general then it appears that **S** contemplates a plurality of sanctuaries within the land of Canaan, and that not by way of temporary concession but as a fixed principle. The principle is not inconsistent with the institution of a special altar with special priests for national as distinguished from local worship. Perhaps, indeed, the institution of such a central sanctuary is already contemplated in what is said of the three pilgrimage feasts (Exod. xxiii. 17, compare chap. xxxiv. 24), and in the command to bring the first-fruits into the "House of Jehovah" (*Ibid.*, ver. 19). But it is clearly not contemplated that the central sanctuary shall supersede the local altars which God has hallowed by a revelation of himself, and at which he is ready to meet with his people and bless them without the mediation of a special priesthood. This view of the meaning of the law in **S** is so plainly the natural one that the objections taken to it are not drawn from exegetical considerations, but solely from other parts of the Pentateuch with which it appears to be inconsistent; and particularly from the law of **D** on the one hand and from Lev. xvii. on the other.

In Lev. xvii. it is enacted that no domestic animal shall be slaughtered, either in the camp or in the open field, without being presented as a peace offering at the tabernacle, so that the fat may be burnt on the altar. From the context it appears that this law is connected with the rule against eating blood, but its main motive is to check a pre-



valent habit of sacrificing to certain false deities called *Se'irim* (E. V. *Devils*). Here, it is argued, we have a limitation of sacrifice to a single altar in the time of Moses, and therefore a refutation of the view which makes **S** license a plurality of sanctuaries. But in its form of words the law is designed for the period of the wandering. If limited to that period alone it is by no means inconsistent with our interpretation of **S**; for in the wilderness the people would have access to no altar which **S** acknowledges as legitimate, with the one exception of that which stood before the tabernacle. It appears, however, that the law is designed to be permanent, for we read at verse 7 that "this shall be a statute to them for ever in their generations." Now common sense excludes the idea that Moses could mean that after the people were scattered through Canaan every animal designed for food must be brought up to the tabernacle. The law, if it is really Mosaic, can in its application to Canaan have only one sense, viz., that as all animals in the wilderness had to be presented at the tabernacle, so in Canaan they must be presented at some legitimate sanctuary. And this provision is intelligible and practicable only under the law of **S**, which allows altars in all parts of the land, and assumes them to be so numerous that it is always practicable to sacrifice the firstlings eight days after birth. We shall by and by have occasion to see that, whether or not the present form of Lev. xvii. is as old as Moses, the idea that all animal food ought to be consecrated by presentation at the altar prevailed among the Israelites to an extent that is not conceivable, if from the first there was but one legitimate altar.

And now we come to the law of **D**, which is certainly quite different both from **S** and from Lev. xvii. Some of the details in Deuteronomy cannot be properly understood till we go into the history of the actual practice of worship in Canaan, but the main provisions are very plain (Deut. xii.) On entering Canaan the Israelites are to destroy the Canaanite sanctuaries. Moreover they are not to imitate the heathen worship of these places, but must confine their



ritual service to one place, which God shall choose to "make his name dwell" there. To this one sanctuary all sacrifices, tithes, vows, and sacred dues of all sorts must be brought. It is absolutely forbidden to offer sacrifice "in any place thou pleatest" (verse 13), but if the sanctuary is at a distance animals may be killed for food in any town, and eaten like game by the clean and unclean alike, the blood only being poured upon the ground. The permission to kill animals for other than sacrificial purposes appears to be new, and is twice repeated in the same chapter (xii. 15, 21). But, indeed, the whole law is new, and is not meant to be enforced till the people are settled in Canaan (xii. 8, *seq.*) It is remarkable that we are not told when or how the choice of the one sanctuary is to be made; and so we are thrown upon the subsequent history to determine when the law of **D**, supposing it to be really Mosaic, would first come into action. The answer to this question is given by comparing Joshua xviii. 1 with Jerem. vii. 12. The latter passage tells us, using the very words of Deuteronomy, that God first "made his name dwell" at Shiloh. And from the other text we learn that Shiloh became the sanctuary in the time of Joshua. Thus, on the traditional view of **D**, all sacrifices at other altars would be illegitimate from the days of Joshua downwards. From this date onward the laws of **S** and of Lev. xvii. would be a mere dead letter; though the former is meaningless unless it refers to Canaan, and the latter is expressly given as a perpetual statute. We are here face to face with a plain contradiction between law and law, which must either be solved by historical criticism or by finding some other exegesis of the laws which, as we have interpreted them, are at variance with one another.

The attempt to get over the difficulty by a different exegesis practically reduces itself to this. It is assumed that the law of **S** was given as a permanent rule for certain exceptional cases, in which God relaxed the law of **D**, and that the "enduring statute" of Lev. xvii. is simply the prohibition to sacrifice to the Se'irim, whereas the rule



that the fat of all animals used for food must be burned at the tabernacle is temporary, and abrogated by **D**. The latter assumption is clearly illegitimate. The rule that the fat of every animal killed for food must be burnt on the altar cannot be meant for the temporary circumstances of the wilderness journey. And it reappears in Lev. vii., 22-25, where we find that the only fat available for ordinary uses is that of animals which have died a natural death, or have been torn by wild beasts. Again, though Deut. xii., in giving the permission to kill beasts for food without going to the sanctuary, implies that previous custom was to sacrifice every animal killed for food, it is plain that the law of **D** is not the formal abrogation of so much of Lev. xvii. as was meant only for the wilderness. The people to whom **D** was addressed were not in the practice of bringing all their victims to the tabernacle. On the contrary, we learn from Deut. xii. 8, that every man did just as he pleased, and this is not put as matter of blame, for the lawgiver identifies himself with current practice by using the pronoun *we*. Equally little can any ground be found in the text for the supposition that the law of **D** left room for exceptions to which the provisions of **S** might still apply. Deuteronomy speaks of one altar to be erected in Canaan in conformity with the law of **S**, viz., the altar on Ebal (xxvii. 5-7). But this altar was built before the choice of Shiloh (Josh. viii. 31), and, therefore, if **D** is Mosaic, could give no precedent for altar building at a later date. It is certainly true that long after the choice of Shiloh sacrifices were offered and accepted by God at other altars. But, unless it can be shown from the history that these were exceptional cases, they only confirm our exegesis of **S**, and tend to prove that the law of **D** was still unknown. And as matter of fact it can be shown that the law of **S** and not of **D** was that which regulated the habitual and ordinary practice of the Hebrews long after they entered Canaan.

In approaching the historical facts which establish this conclusion we must keep clearly before us the fundamental ideas



which underlie the laws of **S** and **D** alike. The religion of Israel is a covenant establishing a sort of feudal relation between Jehovah as Israel's God and Israel as Jehovah's people. The exercises of religion are the acts in which this relation is realised—in which Israel presents itself before Jehovah with expressions of homage, and Jehovah in reply “comes to his people and blesses them.” Every overt act of worship is a tryst between God and his people, under the terms of the Covenant, and subject to the conditions which God, as king of the theocracy, has laid down for meeting with his subjects. But under the old Covenant, God had not yet promised to meet with his people wherever they assemble to worship him in spirit and in truth (John iv. 21, *seq.*) According to the covenant of Sinai God only promises to come to his people and bless them at the sanctuaries where he has set the memorial of his name. And the mark of such a sanctuary is the altar on which the people offer the material tokens of their homage. All public acts of religion are limited to the sanctuary, and every sanctuary implies an altar. This principle is quite as distinct in **D** as in **S**. The sanctuary of **D** is the one place where God causes His name to dwell, *i.e.*, where He permanently reveals Himself to His people and meets with them. When a man goes up to this sanctuary he is “before Jehovah” (Deut. xii. 18, xxvi. 5, 10, 13, etc.), and therefore it is at the sanctuary and before the altar that every religious act addressed to Jehovah must take place. This principle runs through the whole Old Testament; and it was not till the Exile that it was modified, even by the establishment of synagogue worship for those who had no access to the sanctuary. In earlier times every act of visible and public worship necessarily took place before Jehovah in his altar-sanctuary, and was associated with sacrificial acts. (Comp. 1 Sam. xiii. 12, Psalms xlii, xliii, lxiii. 1, 2, etc.) Thus David regards his banishment from the land of Israel, and consequently from the privileges of the sanctuary, as a command to “serve other gods” (1 Sam. xxvi. 19, compare Deut. xxviii. 36, 64). And Hosea views the destruction of



the sanctuaries of Israel and the captivity of the people to a land where sacrificial worship is interrupted as a temporary separation between Israel and Jehovah (Hos. iii.), during which the whole nation is unclean (ix. 4). Nay, so obvious is the principle that all worship is altar worship, that in the earlier prophets the external service of God by sacrifice is invariably contrasted not with spiritual service by prayer and praise, but with the moral service of justice, mercy, and humility. It is never for a moment contemplated, unless in prophetic vision of a new and higher dispensation, that Israel can appear before God in overt acts of worship except at the sanctuary and in the form of altar service (Amos v. 21 *seq*; Micah vi. 6 *seq*; Isa. i. 11-20; Jer. vii. 21).\*

Accordingly every national transaction which possessed a religious character was necessarily carried out at a sanctuary. And if the law of **D** is Mosaic, and came into force as soon as Joshua erected the tabernacle at Shiloh, that sanctuary would have been the only proper seat of such transactions, the only place where Israel could appear before God with acceptance and claim His blessing according to His own promise. Yet from the days of Joshua downwards, all through the time that the ark was at Shiloh, we find a different practice. Joshua himself gathered all Israel to Shechem to present themselves "before God" at the "sanctuary" there (Jos. xxiv. 1, 26). In Judges ii. 5, the people assemble and do sacrifice at Bochim. Jephthah appears "before the Lord in Mizpah of Gilead" (Jud. xi. 11). In Judges xx. 1, the whole nation assembles "unto the Lord" in Mizpah, and in ver. 18, 23, and 26 of the same chapter they go up to Bethel, and there weep before the Lord, do sacrifice and enquire of Him.† Nay, in chapter xxi. 4 they even build an altar at Bethel for special sacrifices. All these transactions are recorded without the slightest hint that they were irregular, though they are

\* When the sanctuary is inaccessible God may be addressed in a vow to be paid at his holy place. 2 Sam. xv. 8, 1 Sam. i. 21, Jud. xi. 31.

† The English version renders "the house of God" instead of Bethel, but this is unquestionably a blunder. The ark was then at Bethel; but on the law of **D** this would not justify an act of sacrifice.



quite against the law of **D**. But the sanctuaries chosen were legitimate according to the law of **S**. Shechem, Mizpah, Bethel were old holy places of patriarchal consecration (Gen. xxxiii. 20, xxxi. 45, 54, xxviii. 18, 19), and the sacrifice at Bochim was legitimate because of the special revelation that preceded it. And therefore the fact that such meetings were sanctioned by divine approval, while the sanctuary of Shiloh existed and was accessible, is clear proof that the law of **S** and not that of **D** was recognised as the divine rule of worship in the period of the Judges.

After the battle of Ebenezer, and the capture of the ark, the sanctuary of Shiloh appears to have been destroyed, and during the long period of oppression by the Philistines the worship of Jehovah was grievously interrupted (1 Sam. vii. 2, 3). But the reformation under Samuel again presents a proof that it was the law of **S** and not of **D** that was looked to, even by prophets, as the rule of the theocracy. The work of reformation began at Mizpah—not Mizpah in Gilead, but perhaps the same Mizpah which already appears as a sanctuary in Jud. xx. Here, and not before the ark at Kirjath-jearim, the people appear before the Lord, and Samuel offers sacrifice (1 Sam. vii. 9). After the rout of the Philistines, when the central district of the land was brought back to a settled state under Samuel's rule, he judged Israel at four centres, Bethel, Gilgal, Mizpah, and his own city of Ramah. All these places were in his time sanctuaries as well as seats of civil rule, for indeed under a theocracy the two ideas were hardly separable (Bethel, 1 Sam. x. 3; Mizpah, x. 17; Gilgal, xi. 15, xiii. 9; Ramah, ix. 12). Moreover, at least three of them were old sanctuaries under the law of **S**. Bethel and Mizpah we know already; Gilgal was the restingplace of the ark after the miraculous passage of Jordan, and was then marked as a holy place by the erection of twelve stones, exactly as in the case of the covenant altar (Ex. xxiv. 4). The history of Ramah is not so clear, but its very name seems to mark it as an old sanctuary. And finally, when Samuel made his sons judges in the far south, he placed them in another



old patriarchal sanctuary, Beersheba (1 Sam. viii. 2). The whole lines of Samuel's reformation are strictly modelled on the law of **S**; but he makes no attempt whatever to realise the provisions of **D**. But perhaps this was only because the land was still unsettled? Well, in the reign of David this difficulty was removed. The ark was brought up to Jerusalem, and a new central sanctuary was established, with divine sanction, at the centre of government. But we still hear nothing of the law of **D**. On the contrary we receive fresh confirmation of the law of **S**, which grants permanent consecration to all places of ancient sanctity. Absalom opened his revolt at the Abrahamic sanctuary of Hebron. He did so because he could have his father's consent to go there on the pretext of discharging a vow, and so could gather his fellow-conspirators without suspicion to a sacrificial feast (2 Sam. xv. 7, 12). But under the law of **D** the discharge of vows is strictly confined to the central sanctuary (Deut. xii. 6, 17). But indeed we have the explicit testimony of 1 Kings iii., that the people continued to sacrifice and burn incense at the high places, or local altars, till the building of the Temple, and that the chief of these was Gibeon, where Solomon himself did sacrifice, and received God's gracious answer in a most notable revelation.

From the time of Solomon the history of Hebrew worship is divided into two streams. In the kingdom of Judah the temple naturally overshadowed the local sanctuary, and attracted the people to the great feasts. But it is explicitly recorded that all the best kings up to the time of Hezekiah, however zealous they showed themselves in the suppression of idolatry, tolerated the worship of Jehovah at local sanctuaries (1 Kings xv. 14; xxii. 43; 2 Kings xii. 3; xiv. 4; xv. 4, 35). There is not the slightest trace up to this point of the existence in the southern kingdom of the law of the one altar. Nay, we have already seen that even after Hezekiah the local high places were served by Levite priests, whose legal right to support from altar dues was recognised in the reformation of Josiah.



In the Northern Kingdom the case is still clearer. The revolt of Jeroboam was accompanied by religious declension, inasmuch as the king departed from the law of **S** in setting up images to counteract the attractions of the temple on Zion. But the prophets who countenanced his revolt did not contemplate the cessation of all national worship in the northern kingdom. Ahijah does not rebuke the king for worshipping at northern sanctuaries, but only for idolatry (1 Kings xiv. 9). And this was also the standpoint of Elijah, the greatest of the northern prophets. In his campaign against the worship of the Phœnician Baal, Elijah appears as the defender and restorer of the altars of Jehovah, which had been destroyed by Ahab in his attempt to introduce a national service of the Tyrian deity. The scene upon Carmel was a victorious assertion of the Sinaitic law of worship, even following the analogy of Exodus xxiv. in the use of twelve stones according to the number of the Hebrew tribes (1 Kings xviii. 30, 31). And in the wilderness the prophet's complaint was that the children of Israel had "forsaken God's covenant and cast down his altars"—the altars, that is, of the northern kingdom, built under the covenant legislation of Sinai, but every one of them a breach of covenant under the law of **D** (1 Kings xix. 10).

Now what does this unbroken series of historical testimonies prove? It is not a series of exceptional cases, in which a special revelation or theophany might be held to justify an individual exception to the law of **D**. I have not cited such examples as those of Gideon (Jud. vi. 24), Manoah (Jud. xiii. 16), Saul (1 Sam. xiv. 35), in which it may be questioned whether the spot where sacrifice was once offered is subsequently recognised as a legitimate permanent sanctuary. The evidence brought before us has been of a different and much stronger kind. We have seen that through long centuries, from the time of Joshua till far on in the period of the kings, the sacrificial worship of Israel was celebrated at a number of holy places, not arbitrarily chosen, but possessing an ancient consecration, such as the law of **S** directs. In many cases we



can even show the origin of that consecration in patriarchal times. Hebron, Beersheba, Shechem, Bethel, Mizpah, were places where the patriarchs met with God, and their sanctity remained and was recognised by later eyes. Nor were the other sanctuaries arbitrarily chosen. Even when we cannot, as in the case of Gilgal, explain their original consecration, they are fixed and definite holy places. The worship at high places recognised by Joshua, Samuel, and Elijah, by David and Solomon, was not will-worship unregulated by sacred principles. It was strictly conformed to the law of **S**, and so is spoken of by Elijah as a worship that cannot be suppressed without a breach of God's covenant. These are facts which cannot be explained as temporary exceptions to the observance of the law of **D**. Through the whole period which we have considered there is not (with the apparent exception of the affair of the altar Ed, to which I shall give a few words in an Appendix) the slightest indication that the Deuteronomic law of a single sanctuary was recognised as the rule of the theocracy. In the periods of most thorough-going reformation we hear nothing of it. The battle against idolatry and will-worship, fought by prophets like Samuel and Elijah, by kings like Asa and Jehoshaphat, or by a priest like Jehoiada, is always directed to the re-establishment of the order of the law of **S**.

This conclusion is strengthened when we consider the minor details of worship. We have seen that the law of worship in **S** is a law addressed to laymen, which recognises the possibility of sacrifice without the intervention of a trained priesthood. Of course, in the nature of things, a stated worship before the ark could not be kept up without a stated priesthood, which from the first belonged to the house of Aaron. And, beyond doubt, the services of regular priests would soon be called into requisition even at the more noted local sanctuaries, so that we can easily understand how the Levites, who in the wilderness formed the bodyguard of the ark, appear under the kings as priests of the local high places. But the law of **S**, constructed on the lines of the old patriarchal religion,



seems to contemplate something of the nature of a family priesthood, in which the head of a Hebrew household brought his gifts to the altar without waiting for the great pilgrimage feasts (*supra* pp. 60, 61). In **D** on the contrary, all sacrificial worship is strictly in the hands of the Levite priests. Now in this respect also the history agrees with **S**. The cases of Manoah and Gideon will no doubt be objected to as exceptional, though there is nothing in the history to mark them as such, and though it seems strange theology to suppose that God will make exceptions to his own covenant ordinances. But we find a family sacrifice observed by David's clan at Bethlehem (1 Sam. xx. 29). And we have seen that David himself did sacrifice (2 Sam. vi. 17), and that his sons are called priests (*supra* p. 45). Moreover, though Samuel rebukes Saul for his sacrifice at Gilgal (1 Sam. xiii. 8 *seq.*), the offence is disobedience, and not interference with priestly prerogative, as is clear from 1 Sam. xiv. 33-35. Finally, Elijah's sacrifice on Carmel is in this, as in all other points, exactly conformed to the law of **S**.

Another curious point is the use of sacred pillars at the sanctuary. Our version unfortunately obliterates this argument by frequently rendering *images* instead of *maçcebôt*, i.e. pillars or stones set up like Jacob's pillars at Bethel (Gen. xxviii. 18), or Mizpah (Gen. xxxi. 45). In patriarchal times, as these examples show, the *maççeba* was the mark of a holy place. It was also used in heathen sanctuaries; and in **S** (Exod. xxiii. 24) *maçcebôt* erected to false gods are commanded to be broken. But this command did not exclude the use of the sacred pillar in the sanctuaries of Jehovah. And so we have found that *maçcebôt* were set up at the Covenant altar at Sinai, and again at Gilgal. In like manner Joshua sets up a great stone at the sanctuary of Shechem (Joshua xxiv. 26); Samuel erects a similar stone at Ebenezer near Mizpah (1 Sam. vii. 12); the men of Bethshemesh sacrifice beside the great stone on which the ark was laid, and which no doubt already marked the sanctuary of that priestly town (1 Sam. vi. 14); Adonijah's sacrifice takes place at the Ser-



pent stone beside Enrogel (1 Kings i. 9) ; and we learn from 2 Sam. xx. 8, that there was a great stone at the sanctuary of Gibeon. In the temple courts Solomon erected two pillars at the porch near the altar (1 Kings vii. 21). Even in Isaiah xix. 19 we read of an altar to Jehovah and a *maççeba* to Jehovah as parallel ideas, just as in Hosea iii. 4, "without sacrifice and without *maççeba*," means without sacrificial worship. But when we turn to **D** we find a strict prohibition to set up a *maççeba* (Deut. xvi. 22). Is it not clear that this law was unknown to Joshua and Samuel, nay, even to Isaiah, when he predicts the erection of a *maççeba* as a sign of the conversion of Egypt ?

There is one other detail in **D** which must not be passed over in silence. The permission to kill and eat domestic animals just like game, and without bringing them to the sanctuary, if the distance is too great, is given in Deut. xii. as something new (*supra* p. 63). No circumstances temporarily suspending the enforcement of other parts of the law could cancel this permission. And if, as Deuteronomy expressly says, clean and unclean alike were permitted to eat such food, the idea could never again become current that all flesh not offered in sacrifice is unclean, or must be regarded according to Lev. xvii. 4, 10, 11, as eaten "with the blood." Yet we find this idea deeply rooted in the nation for many centuries after Moses. In 1 Sam. xiv. 32 *seq.*, we have a case in point. Saul's army flies on the spoil, and the people kill animals on the ground and eat them "with the blood." Saul rebukes this transgression ; a great stone is brought, an altar is built, and a sanctuary being thus consecrated, with altar and *maççeba*, the disorderly eating is changed to a sacrificial feast. Under the law of **D**, sheep and oxen might quite legitimately have been killed on the ground "like the roebuck and the hart." But Saul goes by the principle of Lev. xvii., which we have already seen to be quite consistent with **S**. Thus, too, we understand why an unclean person could not sit at Saul's table (1 Sam. xx. 26). Only clean persons could eat food that had been presented at the altar, and the narrator evidently



assumes that the reader will take it for granted that Saul's meal consisted of such food. The same principle is most clearly expressed in Hosea ix. 3 *seq.*, where it is said that in Assyria the people shall eat unclean food; that their sacrifice (*i.e.*, the animal food which in Canaan was wont to be presented at the altar) shall be to them like the bread of mourners, which makes every one unclean who eats of it—and this because their food can no longer “come into the house of Jehovah.” In other words, all animal food not presented at the altar is unclean; the whole life of the people becomes unclean when they leave the land of Jehovah to dwell in an “unclean land” (Amos vii. 17). The practice here acknowledged by Hosea stands in the strongest contrast to the law of **D**, demanding as it does the application to all food of the same ceremonial rule which in Deut. xxvi. 14, is enforced in very similar words for the sacred dues alone.\*

When we thus follow the law of **S**, and the associated principle of Lev. xvii., into the details of their application, we see that the promulgation of the law of **D** means nothing less than a complete social and religious revolution. The use of the local sanctuaries which we have found established in Canaan up to the eighth century B.C. was interwoven with every part of Hebrew life, and prescribed the form for every expression of religious faith, and every utterance of homage and prayer directed to Jehovah. Every occasion of life that calls on the individual or the community to look Godwards is a summons to the altar. In the family every feast is an Eucharistic sacrifice. In affairs of public life it is not other-

It must be remembered, in considering the practicability of such a law, that beef and mutton are not so freely used in the East as with us, and that except in great houses an animal would not be slaughtered on an everyday occasion. Thus the practice of presenting every victim at the sanctuary is an acknowledgment of God on all festive occasions. Compare, as an illustration of the identity of feast and sacrifice, Prov. xv. 17, with xvii. 1. On the other hand, the law was probably pretty frequently broken. Compare the caution of the Angel to Manoah's wife against eating anything unclean (Jud. xiii. 7, 14). Saul's special anxiety on the subject is not merely a proof of zeal, but may be viewed as connected with the peculiar feeling as to the sanctity of the host of Israel, which appears Deut. xxiii. 10, 14, and elsewhere.



wise. The very expressions used in Hebrew of "making a covenant," or "inaugurating war," point to the sacrificial observances that accompanied such acts. The local sanctuaries were the seat of judgment, and so in the language of **S** to bring a man before the magistrates is to bring him "to God" (Exod. xxi. 6, xxii. 8, 9. Heb.) The earlier history relates scarcely one event of importance that was not transacted at a holy place. The local sanctuaries were the centres of all Hebrew life. How little of the history would remain if Shechem and Bethel, the two Mizpahs and Ophra, Gilgal, Ramah, and Gibeon, Hebron, Bethlehem, and Beersheba, Kadesh and Mahanaim, Tabor and Carmel, were blotted out from the pages of the Old Testament.\*

Thus so far is it from being true that the use of the local high places was exceptional and irregular under the theocratic law, that we must rather say that it was only by worship at them, under the law of **S**, that Israel in the earlier centuries was able to realise and express in religious acts its covenant relation to God. The hearts of the greatest prophets, as well as of the common people, clung to these ancient shrines. When Elijah is banished from Carmel, Gilgal, and Bethel, he turns his footsteps to Beersheba and Sinai.

To ignore all these ancient seats of Israel's religion, and limit altar worship to a single sanctuary, was to prescribe a change in the whole external forms of religion not less radical than if all the churches of Scotland, with one exception, were

\* In some of these cases, evidence that the place was a sanctuary may be demanded. Kadesh is, by its name, a sanctuary, with which it agrees that it was a Levitical city and a consecrated asylum. Accordingly it formed the *rendezvous* of Zebulon and Naphtali under Barak and Deborah. Mahanaim was the place of a theophany, from which it had its name. It was also a Levitical city, and Cant. vi. 13 alludes to the "dance of Mahanaim," which was probably such a festal dance as took place at Shiloh (Jud. xxi. 21). As a holy place the town was the seat of Ishbosheth's kingdom, and the headquarters of David's host during the revolt of Absalom. Tabor, on the frontiers of Zebulon and Issachar, seems to be the mountain alluded to in Deut. xxxiii. 18, 19, as the sanctuary of these tribes, and it appears along with Mizpah, as a seat of degenerate priests, in Hos. v. 1. I mention these instances, not as essential to my argument, but to illustrate how it may, by the use of circumstantial evidence, be carried much farther than has been attempted in the preceding pages.



closed for public worship. For Deuteronomy, as we have seen, is quite as clear as **S** on the doctrine that it is only in the sanctuary that the people can come before Jehovah. And the culminating point in the proof of the critical position is that this extraordinary change can be fully accounted for from the history.

We have had occasion to observe in passing that all Hebrew reformers had to contend with idolatry. But idolatry and the worship of Canaanite gods were not kept distinct in the people's minds from the worship of Jehovah. The history of the sanctuary of Dan (Jud. xvii., xviii.), and the later example of Jeroboam, show that will-worship mingled with the service of Jehovah in such a way as practically to obliterate the distinction between the true god and the Baalim. This state of things spread more and more, and in the time of Amos and Hosea the religion of the Northern Kingdom was what is called a *syncretism*, a mixture of Jehovah worship and Canaanite worship, in which the people still thought themselves perfectly loyal to the God of Israel, though the prophets denounced their service as practically mere heathenism and devotion to the Baalim. In truth when the moral elements of the Mosaic covenant were forgotten, and the worship of the calves had obscured the spirituality of Jehovah, the external features of a Hebrew and a Canaanite sanctuary were not dissimilar. The *maçceba* in particular was common to high places of both kinds, and being interpreted in the symbolism of heathenism as an emblem of the male reproductive power of nature—that is of Baal, the male partner of the abominable Ashera, who corresponds to the Mylitta of Herodotus I., 199, and to Aphrodite Pandemos—formed a link by which all the flagrant abominations of Canaanite prostitution were attached to the sanctuaries of the Lord.\* Though the clearest picture of this state of things is found in the prophets of the North, the same

\* Amos ii. 7 ; Hosea iv. 13, 14 ; comp. Deut. xxiii. 17, 18—These passages do not refer to ordinary prostitution, but to the religious prostitutes—*qedēshôt*—well known to scholars as a disgusting feature in Semitic religion.



corruptions had largely affected Judah, and in both kingdoms alike the prophets inveighed against a religion which was no longer Jehovah worship except in name, and foretold the overthrow of the now degraded sanctuaries (Amos. iii. 14 ; v. 5 ; vii. 9—Hosea iii. 4 ; viii. 11 ; x. 2 *seq.*—Micah i. 5 ; v. 13—Isa xvii. 8 ; xxvii. 9). But the work of the prophets was to teach as well as to predict judgment ; and, therefore, they confront the zeal in external service, by which the people thought themselves assured of Jehovah's help, with the doctrine that God cares nothing for ritual, that his favour is not to be purchased by sacrifices, and that he will gladly dispense with all signs of outward homage if justice and mercy and true obedience are shown (see the citations *supra* p. 66). As these doctrines laid hold of the hearts of the true Israel, they pointed out the only possible course of fundamental reformation. Previous reformers had striven in vain to cut off the excrescences of idolatry and will-worship, and restore the local shrines to the pure ideal of the Sinaitic Covenant. The choice must now be made either to give up the spirit of Moses and maintain the letter of external service, or to take action on the prophetic word, and surrender the ancient forms of worship to the spirit of moral obedience. It was in this spirit that Hezekiah attacked the high places. The religion of Israel could not dispense with all sanctuaries—that was reserved for the new Covenant ; but at least the sanctuary of Zion might be purged, and the local shrines, the fertile seat of uncontrollable corruption, might be swept away. There is not the slightest hint that the king was supported by a written law ; and the prophets whom we have cited never appeal to the law of **D**. Nay it is clear that Isaiah, who predicts as a victory of true religion the erection in Egypt of a *maççeba* to Jehovah, knew nothing of Deut. xvi. 22, where the *maççeba* is called hateful to Jehovah. The movement, like every attack on religious traditions, was unpopular. The Assyrian ambassador knew that he would touch a chord in the people's sympathies when he spoke of the altars of Jehovah which Hezekiah had taken away (2 Kings xviii. 22). But God



maintained his own cause and that of his prophets. The confidence of Isaiah that Jehovah would protect his "sacred hearth" on Zion, the visible centre of his reign on earth (Isa. xiv. 32, xxix. 1), was vindicated by the miraculous overthrow of the Assyrian, and the party of reform was for the moment in the ascendant; while the destruction of the realm of Ephraim narrowed the battlefield of true religion to the compass of Judea, for which a single altar might more easily suffice. But the victory was not gained in a moment. Under Manasseh a terrible reaction set in, and religious conservatism, allied with rampant heathenism, asserted itself in cruel persecution of the prophetic party. The truth was crushed, but not overthrown. With Josiah's reign the tide of battle turned, and then it was that "the book of the Torah" was found in the temple (2 Kings xxii.) Its words smote the conscience of the king and his people, for though it was merely a book found, without external credentials, it bore its evidence within itself, and it was stamped with the approval of the prophetess Hulda. The "book of Covenant" found in the temple was publicly read. The people pledged themselves to obey it, and on the lines of its legislation the reformation of Josiah was carried forward.

What was this "Book of the Torah" or "Book of the Covenant?" That it embraced **D** no one disputes, for the work of reformation based on it was in all particulars carried out in the spirit of Deuteronomy. Compare in 2 Kings, xxiii., verse 5 with Deut. xii. 2; verse 7 with xxiii. 17, 18; verse 9 with xviii. 8; verse 10 with xviii. 10; verse 11 with xvii. 3; verse 14 with xvi. 21, 22; verse 21 (Passover at central sanctuary) with xvi. 5; verse 24 with Deut. xviii. 11. It is pretty clear, moreover, that the book was not the whole Pentateuch, for we have seen above (p. 51) that **Q** was not in force between Josiah and Ezekiel. Moreover, the whole Pentateuch would not be correctly named the book of Covenant (2 Kings xxiii. 2), whereas this name is proper to Deut. iv. 44—xxix. 1, which as we saw already forms a complete book with title and subscription. Moreover, it is the original Deutero-



monic legislation in its separate form which in the Pentateuch bears, like Josiah's lawbook, the name of *Book of the Torah*. But for our present purpose it is indifferent what the precise compass of Josiah's lawbook was. At all events its importance lay in the fact that it contained the Deuteronomic ordinances, and that thus the teaching of the prophets of the eighth century, which they did not base on the written law, is now embodied in a regular code and becomes for the first time, by solemn covenant, the public law of the land. Accordingly the writings of the contemporary prophet Jeremiah, unlike those of the earlier prophets, bear numerous traces of acquaintance with Deuteronomy.

This history points with unmistakable clearness to the period between Hezekiah's reformation and that of Josiah, or roughly speaking the first three quarters of the 7th cent. B.C., as the time within which Deuteronomy was probably written. But the history by no means leads us to conclude that the book was written at the close of the period indicated. On the contrary we are told that Hilkiah produced the book as one which he had found in the temple without himself knowing its history. Some critics have gratuitously supposed that the "finding" was a mere fraud on Hilkiah's part, and that he himself had got the book forged, in order to gain the weight of the name of Moses for his scheme of reformation. But if one reads the narrative of 2 Kings xxii with due care, one sees that Hilkiah did not give the book out as Mosaic. He simply gave it for what it was—a book of *Torah*, or divine instruction, found in the temple. No stress is laid on the history of the book. Its value was intrinsic, and it was received because it was felt to contain the voice of God and to agree with prophetic doctrine. There is another consideration which seems conclusive against the theory of a fraud on the part of Hilkiah. A forgery by the head of the temple priests could hardly fail to represent the interests of that body. But this is not the case with the law of **D**. On the contrary, Deut. xviii. allows to all Levites scattered through the land—that is, to all priests of local shrines—the right to



claim the full status and privileges of priesthood at Jerusalem. This provision could not be acceptable to the sons of Zadok, and in fact formed the one point in the law of **D** which Josiah was unable to enforce. The Levites were indeed treated with a consideration not extended to the priests of Ephraim and the idolatrous priests (*kemārim*) about Jerusalem. They received a subsistence at the temple; but, contrary to the law, they were forbidden to do altar service. Obviously the class interests of the Zadokites were strong enough to frustrate the law which, on the theory of a forgery, was the work of the Zadokites themselves.

We have no right, therefore, to suppose that the finding of the book was a fiction, or that Hilkiah put it forth in pious fraud in order to stir up a religious revolution. The discovery of the book produced a great effect, because it touched a chord in the national conscience. But in point of form **D** is singularly unfitted to be the programme of a sudden and violent movement like the reformation of Josiah, and could not have been drawn up for the sake of immediate effect by any political schemer. The book is what it calls itself, *a Book of Covenant*; a constitutional code in which the old law is recast in such a form as to adapt it to the new principle of the one altar, and the suppression of local high places. This work is done with the greatest care and fulness of detail, and, humanly speaking, the whole is well adapted to secure the fruits of a reformation already accomplished, or in full train. But revolutions are not made with law books. Codes and constitutions are the outcome of national movements, and not their cause. The real force in the revolution of Josiah was the power of the prophetic teaching, which half a century of persecution had not been able to suppress—not the name of Moses attached to a document found in the temple.

In short, it is with Deuteronomy as with the law of Sinai. It was not the law that made Israel a nation. The covenant of Sinai only gave fixity and permanent form to the work accomplished by the prophetic word of Moses, and the miraculous deliverance of the Exodus. And in like manner



the book of Deuteronomy gave fixed and constitutional form to the work accomplished by the preaching of the great prophets of the eighth century, and acknowledged by God in the deliverance of Hezekiah from Sennacherib. It is obvious that the abolition of the high places by Hezekiah must at first have produced the greatest confusion. Even those who had faith and insight enough to approve the act must have felt the want of guidance in adapting their daily religious life to the new state of things. There was an urgent need for a plain and popular exposition of the way in which the reforming principles of the prophets were to be interwoven with the old theocratic institutions. The prophetic agency supplied the fit vehicle for divine instruction on these matters. It was in the prophetic societies that the sacred literature of Israel had always been specially cultivated. And from them, so far as we can judge, the book of Deuteronomy went forth to interpret the teachings of Isaiah and his fellows in their bearing on the constitution and practice of theocratic life. It would require a separate essay to trace the whole influence of prophetic teaching on the new book of the law. The law of the one sanctuary, which gives shape to all the Deuteronomic ordinances of worship, has itself a twofold root in the preaching of the prophets. In its positive side—the importance assigned to the spot where Jehovah makes his name to dwell—this law attaches to the great doctrine of Isaiah that the Lord hath founded Zion, and the poor of his people shall trust in it (Isa. xiv. 32 ; xxviii. 16 ; xxix. 1, *seq.* ; ii. 2 ; iv. 5, *etc.*) It is to the immovable sanctity of the hill of Zion, the visible centre of divine sovereignty of earth, that Isaiah ever directs the nation's faith in all the perils that threaten to crush Judah and blot out the religion of Jehovah ; and so it is round this fixed sanctuary, and not round the ark, the ancient symbol of the Covenant, that the Deuteronomic ordinances of worship are grouped. To us this may seem a small change. It was not deemed so then ; for in Jeremiah the transitory sanctity of the perishable ark is contrasted with a better hope in the permanent sanctity of Jerusalem, the throne of



Jehovah.\* Again, on its prohibitory side, Deuteronomy agrees with the prophetic teaching that all the local altar worship is pure heathenism. Hosea had taught that while the people thought themselves to be worshipping Jehovah, but had ceased to worship him as the spiritual God, their worship was really directed to the Baalim. To the author of Deuteronomy this prophetic sentence has become an axiom. He everywhere assumes that there are but two alternatives, worship at the central sanctuary and worship of false gods, involving rebellion against Jehovah.

With the overpowering sense of the personal sovereignty in Zion of the Holy One whose glory fills the earth (Isa. vi.), Isaiah combined the strongest sense of Israel's vocation to holiness (vi. 13; iv. 3; *etc.*). This idea too is forcibly expressed in Deuteronomy. But how can Israel's vocation as a holy nation receive constant expression? Under the old law the relation of the people to Jehovah was embodied in frequent sacrificial acts in all corners of the land. Such embodiment was no longer possible under the centralisation of worship. And a purely spiritual expression was too high a thing for the old dispensation. Therefore the law not only enforces with emphasis the duties of moral purity, especially in contrast with the sexual excesses of Canaanite worship (Deut. xxii.), but develops at far greater length than **S** a series of external observances of sanctity, establishing a broad line of separation, even in ordinary life, between the people of Jehovah and the heathen—(Deut. xiv.)

Again the prophets had constantly denounced the fertile source of corruption which the imitative character of the Hebrews found in contact with heathenism. Canaanite ritual, foreign deities, and foreign sorcery turned away the heart of Israel from God. They were always as Isaiah expresses it, ready "to strike hands with the children of strangers" (Isa. ii. 6); and their statesmen were dazzled with the splendour,

\* Jer. iii. 16, 17—In those days they shall say no more, the ark of the covenant of the Lord; neither shall it come to mind; neither shall they remember it; neither shall they search for it; neither shall it be remade. At that time they shall call Jerusalem the throne of the Lord, &c.



and courted the alliance, of the great empires on the Nile and the Tigris. In the time of Isaiah the alliance with Egypt in particular was a constant temptation to substitute trust in man for trust in God, and the prophet has special occasion to condemn the policy that thought to gain strength for the nation from the multitude of Egyptian chariots and horses (Isa. xxx. 1). In these points too Deuteronomy follows the prophets. The warnings against heathen witchcraft, Canaanite nature worship, Assyrian star worship, are many and express; and the short law of the kingdom (Deut. xvii. 14, *seq.*) has for its main concern to forbid the king to imitate the splendour of foreign courts, or to "cause the people to return to Egypt in order to get many horses."\*

But while in these and other ways **D** shows the influence of prophetic teaching on all parts of its legislative structure, the purpose of the book is not to form a new Covenant in room of the Mosaic constitution, but to preserve the spirit and substance of the old, interwoven with the new prophetic principles. We have already observed that practically the whole law of **S**, except a list of compensations for damages, which would be less useful to the general public than to judges, is incorporated in **D** with the necessary, and no more than the necessary, modifications. There are other precepts which are neither expressly found in the older law, nor seem to be necessary consequences from new principles. These are

The law of the kingdom is one of the best secondary proofs that **D** was not known to the prophet Samuel, who with this passage before him could not have represented it as great wickedness to ask a king (1 Sam. xii. 17). It has been asked why Deut. xvii. 15 forbids the appointment of a foreigner as king, when the dynasty of David had been so long established on the throne. But if **D** was written at or soon after the time of Isaiah, this difficulty is of easy solution. Isa. vii. 6 records a league of Ephraim and Damascus to depose Ahaz and set up a foreign king, and Isa. viii. 6, shows that this project had supporters in Judah. Moreover, we now know from Assyrian records, in conformity with Isa. vii. 8, that after the capture of Samaria, *circa* 720 B.C., and the fall of the old kingdom of Ephraim, a vassal sovereignty, probably not of pure Hebrew blood, was established at Samaria (Schrader in *Z. f. Prot. Theol.* 1875, p. 329 *seq.* A. v. Gutschmidt, *Neue Beiträge*, p. 143 *seq.*) Thus the warning in **D** was not out of season; nay, it would be difficult to find a time in history at which it would be more appropriate. Before the time of Josiah the vassal kingdom at Samaria had disappeared, and with it the motive for the law in **D**.



probably drawn from the old common law. For example, Deut. xix. 14 agrees with Prov. xxii. 28; xxiii. 10. It is clear that in such a case the proverbial expression must be older than the written law.\* In like manner the law of Deut. xx. 5-8 agrees with old practice (Jud. vii. 3). But the law in **D** is worked out in more detail, and Gideon's action is not based on law, but on a special divine command.†

On the whole then the law is just what it is called in Deut. xxix. 1,—a new form of the old Mosaic covenant of Horeb. And this conception of the nature and purpose of the legislation is most fittingly expressed by the parabolic form which puts the whole into Moses' own mouth. It is just what Moses would have said had he been called upon to renew the covenant with a new generation. This way of presenting the necessity for a revised legislation is one which could be at once understood by the popular mind; and, for my own part, I am unable to see what other shape the work could have assumed which would have expressed its purpose as clearly, and in a way so generally intelligible. If anyone did not see through the parable, the practical utility of the book would be none the less for him; but anyone who cared could see through it, for there was not and could not be any attempt to give out as old, ordinances and writings notoriously new, and divergent from the current book of **S**.

In the last pages of this statement I have gone into more detail of historical construction than is necessary for the purpose in hand. But I am anxious to bring out two features in criticism which entitle it to a respectful hearing and to toleration in the Church. I ask the reader to observe in the first place that the critics build their opinions on a sedulous

\* Moses could hardly say to those who had not yet entered Canaan "Remove not thy neighbour's landmark which they of old time [*lit.* former men] have set." But also a forger anxious to pass for Moses would be sure to avoid such an expression.

† Another feature in the law of war, which bears the stamp of primeval Semitic custom has not, so far as I am aware, been previously noticed by scholars. The paring of the nails (Deut. xxi. 12) by a captive woman before she was taken to wife by a Hebrew, is obviously parallel to the similar act by which an Arabian widow broke her widowhood (*'iddat*), and was allowed to marry again. See Lane's Arabic Lexicon, p. 2409a.



search of Scripture, and on examination of the minutest points in the Old Testament record; which is surely more honouring to the Word of God than indolent acquiescence in traditional views. Not one of the arguments which I have adduced is of rationalistic complexion, or in any way touches the supernatural character of the history of revelation and the sacredness of the record. The facts on which criticism builds are Scripture facts, of which the Church is bound to take account. The critical view strives to be the Biblical view, and it is not less Biblical because it is not content with what lies on the surface of the record, but seeks to penetrate the inner structure of the Old Testament. And in the second place, the attentive reader will perceive that the results of such criticism are far from being negative, uninteresting, or unedifying. They make the Old Testament history more living and real, they help us to enter more thoroughly into the great battle of God's truth with man's ignorance and rebellion, and they show with increased clearness the marvellous wisdom of Him who caused even the backslidings of Israel to work together with the providential movements of the world's history and the word of revelation sent through his prophets, so as to lift the Covenant religion step by step towards the great consummation in the coming of Christ Jesus, and the proclamation of that Spiritual kingdom in which all the limitations of the old theocracy are done away. And as we see God's truth making its way in gradual process and incessant battle against new forms of evil, towards ever new clearness and fulness, approving itself in every point as truth sent from heaven to meet some necessity before which the strength and wisdom of man was helpless, we acquire an experimental proof, which the ordinary reading of the history too often fails to supply, that the words of God to his ancient people are pure words, silver seven times tried, commended to us not only by the Spirit which witnesses to them in our own souls, but by their birth in fiery trial, in which the wisdom and devices of man came to nought, and the truth of God alone survived.



## A P P E N D I X.

THE object of the foregoing paper is not to exhaust controversy, but only to prove that critical arguments have a right to be impartially heard, and tolerated so long as they are not proved to be contrary to sound doctrine ; I have therefore limited myself to the exhibition of positive arguments, which have their own weight, whatever difficulties may be still felt to attach to the critical position. But there are one or two arguments, which are the mainstays of the conservative position about Deuteronomy, and which therefore deserve a few words.

I. It is argued that whatever irregularities may have subsequently arisen, the affair of the altar Ed (Josh. xxii.) proves that the Deuteronomic law was acknowledged at the time of Joshua. In other words, it is held that unless **D** had been extant the Western tribes could not have regarded the erection of the altar as an act of rebellion. The narrative of Josh. xxii. presents difficulties to the expositor on any theory, but it is to be noted :—

(1.) That the altar Ed was erected on the West bank of the Jordan, “in front of the land of Canaan” (ver. 11, Heb. comp. viii. 33). It was therefore outside of the territory of those who built it, and could not form a local shrine for them under the law of **S**. Thus the Western tribes must naturally have supposed that it was designed as a new pilgrimage shrine in rivalry to the national sanctuary of the Ark, the only visible token of theocratic unity. Such an erection would have been an obvious breach of national unity, quite apart from the law of **D**, and is fitly described, in ver. 19, as rebellion against the Lord and against Western Israel.

(2.) The altar was not built at a place chosen by God, and from its great size was not a legal structure under Exod. xx. 26. Thus its erection was quite as much an offence under **S** as under **D**.

(3.) According to ver. 19, the Western tribes thought it possible that the others had erected the altar in Canaan, because their own land was unclean. In that case the Eastern tribes were invited to cross the Jordan and share the possession of their brethren. It is assumed that no Israelite ought to live in an unclean land, and the mark of an unclean land is that an altar for the worship of Jehovah cannot be erected in it. This is precisely the idea which we found in Hosea ix. compared with 1 Sam. xxvi. 19; Amos vii. 17 (*supra* p. 72). An unclean land is one in which the life of the inhabitants is unclean, because their daily food cannot be presented at the sanctuary. This view



corresponds with **S** and with Lev. xvii., but is inconsistent with **D**, which relaxes the obligation to bring before the altar all animals slain for food.

(4.) The only expressions in the narrative which seem to favour an opposite view of the transaction are those of v. 29, which, if taken alone, might seem to imply that the Reubenites and their fellows admit that it would be a crime to erect any altar for sacrifice besides that before the tabernacle. But in reality the question of local altars under the law of **S**, at ancient high places, is not in the case at all. The whole controversy turns on the institution of a new sanctuary, not conformable to **S**, in rivalry with the tabernacle. The rights of the local altars under **S** are not challenged. Nay, rather it is assumed in verse 19 that if through lack of such altars the land is unclean, no Israelite should continue to dwell there. This accounts for the broad way in which the Reubenites put their case. And, as must be remembered, we cannot be sure that we have a verbal report of their words, and consequently individual expressions (as distinguished from explicit ideas like that of the *unclean land*) ought not to be pressed.

II. It is argued that Deuteronomy must be Mosaic, because we read in Josh. viii. 30 *seq.* of the actual execution by Joshua of the command given in Deut. xxvii. But neither Deut. xxvii. nor the parallel passage in Deut. xi. lies within the strictly legislative part of **D**; indeed it is an open question among critics whether the original draft of **D** contained more than chaps. xii.—xxvi. which have a title and subscription of their own (xii. 1; xxvi. 15 *seq.*). And it is no part of the critical theory as to the law of **D** to deny that genuine historical matter is contained in the setting of the law, or even that such a passage as Deut. xxvii. may be in part derived from an older document, in which the law to be written on the stones set up as *maçcebôt*, beside an altar erected according to the prescription of **S**, verses 4, 5, would mean the law in its original form, or perhaps only the ten commandments, the *Torah* of Ex. xxiv. 12. That so striking an incident should be utilised and enlarged upon in the practical exhortations with which Deuteronomy opens and closes is perfectly natural and fitting.

At the same time it is fair to say that the language of Josh. viii. makes it probable that the author was acquainted with **D**, and borrowed expressions from it. Verses 31 and 32 might apply to **S** as well as to **D**\*; but from v. 34 it appears that the author knew the blessings and curses as part of the book of the law, or in other words that he had read Deut. xxvii. But this proves nothing for the early date of **D**, unless it is certain that the passage in Joshua is by an early hand. It does not follow that Joshua read from **D** what a later historian knows and describes as part of that book. We must always be careful to distinguish between arguments drawn from the substance of a narrative

\* In ver. 32, the LXX. offers a probable correction of the text, omitting after *Moses* the words *which he wrote*.



and arguments based on such expressions as in a later writer are not only natural but almost inevitable, if his meaning is to be plain to the reader. This remark applies to many passages in the Old Testament where the expressions *law of Moses* or the like are used. For example it was argued at last General Assembly that the Mosaic authorship of **D** is unquestionable, because 2 Chron. xxxiv. 14 tells us that Hilkiah found the "book of the law of the Lord by the hand of Moses." *Our only authority for the finding of the book at all*, said the speaker, *states that the book found was the law of Moses.* One would think that the book of Kings might also be allowed some authority; and in it the book found is not called the law of Moses. But what does the passage in Chronicles prove? Nothing more than this, that some three hundred years after Josiah, a writer who wished to convey to his readers the fact that the book was part of the Pentateuch, used a current expression to impart that information.

These observations seem to be sufficient to meet the force of the argument from Joshua viii. But a careful examination perhaps enables us to go farther. We have documentary evidence that in several passages the Hebrew text of the book of Joshua has been interpolated by the later Jewish scribes. Thus in chapter xv., where verse 32 speaks of twenty-nine Judean cities, the preceding list contains a larger number; and Hollenberg has shown, with the help of the Septuagint, that the discrepancy is due to an interpolation from Nehemiah xi. Again, in chapter xx., the Greek text omits the whole of verses 4 and 5, and parts of verses 3 and 6. This is the original text, exactly corresponding with Num. xxxv. 11, 12, and the rest has been interpolated, mainly in the language of Deuteronomy, by a hand so late that the Greek translators had still the true text before them.\* The passage about the altar on Mount Ebal appears to be a similar late interpolation after Deuteronomy. A hint of this is preserved by the Septuagint, which has got the verses in question in a different place, as if they were originally no part of the narrative. As they stand in the Hebrew they break the obvious connection of ix. 1 with viii. 29. Moreover, the interpolator seems to have misunderstood Deuteronomy xxvii. In Deuteronomy the stones on which the law is engraved (verse 8, not as E. V. *written*) are distinct from the altar, as indeed was necessary, since to use a graving tool on the altar would have defiled it. But in Josh. viii. 32 the inscribed stones are plainly the stones of the altar itself.

Finally, we find in Joshua xxiv. the narrative of a precisely parallel transaction at the same place—for Shechem, which is there named, lies between Ebal and Gerizim. Joshua assembles the people at Shechem before the Lord. We read, in verse 26, of the sanctuary, *i.e.* of an altar. A great stone is set up, and there the people enter into covenant, and profess their obedience to Jehovah's commands. This is in all essentials

\* For the proof at large see Hollenberg's essay on the Alexandrian version of Joshua (Moers, 1876).



a ceremony precisely equivalent to that enjoined in Deuteronomy xxvii ; for the blessings and cursings are just a form of covenant oath. The substantial identity of the command in Deuteronomy, and the accomplishment in Joshua xxiv., is not affected by the fact that all the details of the former passage are not repeated in the latter. Now it will not be supposed that what was commanded by Moses was *twice* executed by Joshua. Joshua viii. 30, *seq.* is a duplicate of Joshua xxiv., which betrays its later origin by the marks already enumerated, and by the fact that such a ceremony could not take place at Shechem, when the Israelites had pushed no further forward than Ai.

III. The last main argument which is used against the critical view is that derived from the testimony of our Lord. In Mat. xix. 8, and Mark x. 5, the Old Testament law of divorce is called Mosaic. The words, "*Moses wrote this precept*" occur in Mark but not in Matthew ; which shows that the evangelists are not reporting our Lord's words verbally, and that nothing can be based on mere verbal points. But it is argued that this precept is found only in Deuteronomy, so that Jesus at least regards the law of Deuteronomy as Mosaic. Well, the precept referred to is found in Deut. xxiv. But the proper translation there is, that, when a man has taken a wife and married her, if she please him not and he divorce her, and send her away, and she go from his house, and marry another husband, and he in turn divorce her or die, *then* she may not be re-married to her first husband. The precept about re-marriage is the Deuteronomic precept ; the law of divorce is in Deuteronomy assumed as current law, and, therefore, presumably is of immemorial date, an ancient custom, which Moses, as our Lord puts it, according to Matthew, permitted rather than approved. A second Mosaic testimony to the Pentateuch is Mark vii. 10. "*Moses said honour thy father and thy mother.*" This verse proves how wrong it is to press expressions for more than their natural sense. By the same sort of exegesis which is used against the critics this verse might be made to disprove the utterance of the ten commandments by God at Sinai. Again in Mark xii. 26, there is a reference to "*the book of Moses at the Bush,*" *i.e.* in the section about the burning bush. This is a mere reference to a passage in current language, and so in the parallel passage, Luke xx. 37, *Moses* means no more than the book usually cited under his name. Once more, it is plain that in John vii. 22,—"*Moses gave you circumcision*"—Moses means no more than the old dispensation, for it is immediately added that, strictly speaking, that rite is patriarchal. And it is in this broad sense, and not with limited reference to any one passage, that in John v. 46, Moses is said to bear witness to Christ. Is there anything in all these passages which can be said to imply a testimony to the Mosaic authorship of the whole Pentateuch, or of Deuteronomy, except on an exegesis which would make the verbal variations in the gospels an insuperable barrier to faith ?



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